

Dobrich, et al.  
Nina Lou Bunting

v.  
Case No. 15-120

Indian River School District, et al.  
October 13, 2006

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF DELAWARE

3  
4 MONA DOBRICH and MARCO DOBRICH, individually  
And as parents and next friend of ALEXANDER  
5 DOBRICH, SAMANTHA DOBRICH, JANE DOE and JOHN  
DOE, individually and as parents and next friend  
6 of JORDAN DOE and JAMIE DOE,  
7 Plaintiffs

8 vs. Civil Action  
Case No. 15-120

9 INDIAN RIVER SCHOOL DISTRICT, ET AL.,  
10 Defendants

11  
12 DEPOSITION OF NINA LOU BUNTING, taken  
13 pursuant to notice at the Indian River School  
District, 31 Hosier Street, Selbyville, Delaware,  
14 beginning at 9:07 a.m. on October 13, 2006 before  
David A. Sroka, Registered Professional Reporter and  
15 Notary Public.

16 APPEARANCES:

17 THOMAS ALLINGHAM, ESQ.  
18 RICHARD HORVATH  
BRIAN LENHARD  
19 P.O. Box 636  
Wilmington, Delaware 19899-0636  
20 For the Plaintiffs  
21 JARROD D. SHAW, ESQ.  
Drinker Biddle & Reath, LLP  
22 One Logan Square  
Philadelphia, Pennsylvania 19103-6996  
23 For the Defendants  
24

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1 MS. DUPHILY: This is the  
2 videotape deposition of Ms. Nina Lou  
3 Bunting taken by the Plaintiff in the  
4 matter of Dobrich, et al. versus Indian  
5 River School District, et al., case number  
6 15-120. We are going on the record at 31  
7 Hosier Boulevard, Selbyville, Delaware  
8 on October 12, 2006 at approximately 12:55  
9 p.m..  
10 The court reporter is Dave Sroka  
11 from the firm of Wilcox & Fetzer,  
12 Wilmington, Delaware. My name is  
13 Lindsay duPhily and I'm the videotape  
14 specialist of Discovery Video Services.  
15 Counsel will now introduce  
16 themselves and then the court reporter  
17 will swear in the witness.  
18 MR. ALLINGHAM: I'm Tom Allingham  
19 I represent the Plaintiffs in this  
20 case, and with me are Richard Horvath and  
21 Brian Lenhard.  
22 MR. SHAW: I'm Jarrod Shaw and I  
23 represent the defendants in this action.  
24 NINA LOU BUNTING,

1 again for you?  
2 **A. No, I don't think I was distracted. I may**  
3 **have been momentarily.**  
4 Q. Were you present when -- who was speaking  
5 during that public comment section?  
6 **A. Mr. Harold Short.**  
7 Q. Harold Johnson?  
8 **A. Harold Johnson, okay. I don't know him**  
9 **that well. I knew it was Harold somebody.**  
10 Q. Were you present when he made that  
11 statement?  
12 **A. Yes, I was.**  
13 Q. Did you hear him say that the good Lord has  
14 proven that there's a higher power above our Supreme  
15 Court?  
16 **A. I guess I heard him say it. I didn't hang**  
17 **on every word.**  
18 Q. Did you hear him say that was proven when  
19 the last I heard Madelyn Murray-O'Hare disappeared  
20 never to be seen again?  
21 **A. Well, I heard it just now, do I remember --**  
22 Q. that's the first time that you heard it?  
23 **A. I'm sure I heard it that night, but I**  
24 **didn't remember hearing it until you showed me**

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1 The Witness herein, called for examination by  
2 the Plaintiffs, having been duly sworn to tell the  
3 truth, the whole truth, and nothing but the truth,  
4 was examined and testified as follows:  
5 EXAMINATION BY MR. ALLINGHAM:  
6 Q. Did you attend the August 24, 2004 Board  
7 meeting?  
8 **A. August 24, 2004 Board meeting, are you**  
9 **referring to the one where the public, a lot of**  
10 **people from the public came?**  
11 Q. Hundreds of people?  
12 **A. Okay, yes, I did.**  
13 Q. Did anything occur at that meeting that was  
14 disturbing to you personally?  
15 **A. No.**  
16 Q. I want to show you a clip of the vide from  
17 that meeting?  
18 **A. Okay.**  
19 Q. This is a portion from the public comment  
20 section of the meeting.  
21 **A. Okay.**  
22 **(AT THIS POINT IN TIME A TAPE WAS PLAYED)**  
23 Q. Were you distracted when your telephone  
24 rang during that clip? Would you like me to play it

1 **again.**  
2 Q. Did you know at the time who Madelyn  
3 Murray-O'Hare was?  
4 **A. Oh, of course.**  
5 Q. Did you know that she had disappeared never  
6 to be seen again?  
7 **A. I don't possibly knew it, I'm not sure.**  
8 Q. Did you know that she was dismembered and  
9 buried in a shallow grave?  
10 **A. No, I did not know that.**  
11 Q. Did you have any idea why Mr. Johnson  
12 raised the issue of Ms. O'Hare's disappearance other  
13 than to threaten Ms. Dobrich?  
14 **A. I have no reason why he said it, I have no**  
15 **idea.**  
16 Q. Did you think that Mr. Johnston, Mr.  
17 Johnson was trying to equate Ms. Dobrich's position  
18 in challenging the Board's practices on prayer with  
19 Ms. O'Hare's position as stated by Mr. Johnson as  
20 the leader of the movement to take prayer out of the  
21 schools?  
22 **A. No, because I don't even remember him**  
23 **having said it.**  
24 Q. Well, let me ask you this, Ms. Bunting, is

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1 it Miss. Bunting or Mrs. Bunting?  
2 **A. Mrs.**  
3 Q. Mrs. Bunting, did you listen to the  
4 speakers during the public commentary section of the  
5 August 24th meeting?  
6 **A. I'm going to be honest with you, I did**  
7 **listen, but we were all nervous wrecks, and for me**  
8 **to hang on every word that everyone said, I did not.**  
9 Q. Why were you a nervous wreck?  
10 **A. So many people there.**  
11 Q. Why were you all nervous wrecks, same  
12 reason?  
13 **A. No, just that I didn't want a confrontation**  
14 **to occur.**  
15 Q. Did you think that there was a danger that  
16 a confrontation would occur?  
17 **A. I didn't know when I drove up there were**  
18 **cars everywhere.**  
19 Q. Why were you a nervous wreck if you didn't  
20 think a confrontation would occur?  
21 **A. This is a little area, and we don't usually**  
22 **have a lot of people come to our Board meetings, and**  
23 **to see a lot of people at the Board meeting led me**  
24 **to believe that there could be a problem.**

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1 Q. What kind of a problem?  
2 **A. I don't know. It was my understanding**  
3 **there were even policemen outside. I didn't see any**  
4 **but --**  
5 Q. Do you know who called the policemen?  
6 **A. I have no idea.**  
7 Q. Do you know if it was Mrs. Hobbs?  
8 **A. I have no idea.**  
9 Q. Would I be right in understanding that the  
10 atmosphere at that meeting was charged?  
11 **A. It was obviously charged.**  
12 Q. Were the comments, some of the comments  
13 given from the podium during the public comment  
14 section of the meeting intended in your view to  
15 intimidate Mr. Dobrich and her family?  
16 **A. Not in my view.**  
17 Q. You didn't think that the reference to  
18 Madelyn Murray-O'Hare was intended to intimidate  
19 Mrs. Dobrich and her family?  
20 **A. No, sir I do not.**  
21 Q. You thought that was just a temperate  
22 comment on the disappearance of Mrs. O'Hare?  
23 **A. As I said, I don't recall at the time even**  
24 **getting involved with every word that everyone was**

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1 **speaking.**  
2 Q. Would I be fair in understanding  
3 Mrs. Bunting that you didn't really hear at the  
4 August 24th meeting the comments Mr. Johnson made  
5 about Madelyn Murray-O'Hare, her disappearance, and  
6 her role in taking prayer out of the schools?  
7 **A. I'm sure, sir, that I heard what he said,**  
8 **but there's a difference between hearing and**  
9 **listening and keeping that thought in your head.**  
10 Q. Am I right in understanding that his  
11 comments made, for whatever reason, his comments  
12 made no particular impression on you?  
13 **A. I feel that the people there had an agenda**  
14 **and they were speaking to us as a Board, okay? And**  
15 **some of them were on a different wave length. Not**  
16 **all of them were totally understanding of what they**  
17 **were there for. Let me put it that way.**  
18 **So, there were times that I was thinking**  
19 **that people were talking about things that really**  
20 **had nothing to do with why most of the people were**  
21 **there, because they didn't have a full understanding**  
22 **of the situation.**  
23 Q. Is it your testimony Mrs. Bunting that you  
24 did not view the tenor of the comments during the

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1 public comment session of that meeting as  
2 intimidating?  
3 **A. No, sir, I did not.**  
4 Q. Did you view those comments as temperate,  
5 respectful and courteous to Mrs. Dobrich and her  
6 family?  
7 **A. At times they were courteous.**  
8 Q. And did you view them as intemperate,  
9 discourteous and disrespectful at other times during  
10 the public comment section of the meeting?  
11 **A. I'm sure she saw it that way.**  
12 Q. I want to know how you saw it?  
13 **A. I did not see it that way.**  
14 Q. Every comment made you thought was  
15 respectful, courteous and temperate?  
16 **A. I -- every comment made I felt was the**  
17 **passion of the speaker.**  
18 Q. That's an entirely different question from  
19 the one I asked you.  
20 **A. I don't know how she felt about it.**  
21 Q. I didn't ask you how she felt about it. I  
22 asked you how you felt about it. Did you believe  
23 that each of the --  
24 **A. Was I offended for her, no.**

3 (Pages 6 to 9)

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1 Q. That's not what I asked you either Mrs.  
2 Bunting. We will go much more quickly --  
3 **A. Okay.**  
4 Q. I will try to ask clear questions. If you  
5 understand my question you should try to answer the  
6 question that I ask, and not a different question?  
7 **A. Okay.**  
8 Q. You have testified that you heard all of  
9 the comments. Do you -- did you form the view that  
10 all of the comments made at the public commentary  
11 section of the August 24th meeting were courteous,  
12 respectful and temperate in tone?  
13 **A. Sir, not all of them, I'm sure, were**  
14 **courteous, temperate or respectful.**  
15 Q. Do you remember when Mr. Dobrich's son Alex  
16 rose to speak?  
17 **A. Her friend?**  
18 Q. Her son?  
19 **A. Her son. I think one of the children did**  
20 **speak, was it the son?**  
21 Q. Both of them rose to speak.  
22 **A. Oh, okay, the daughter came to the podium**  
23 **with the son?**  
24 Q. Yes.

1 have viewed them a inappropriate and disrespectful?  
2 **A. I certainly would have, if I had heard**  
3 **them.**  
4 Q. You did hear Mr. Johnson's comments and you  
5 did not view them as disrespectful or --  
6 **A. I did hear Mr. Johnson's comments at the**  
7 **time I'm sure while he was speaking. Did I hear**  
8 **every word, I'm not sure.**  
9 Q. Well, I hadn't finished my question, ma'am.  
10 And I take it you viewed them as courteous and  
11 respectful?  
12 **A. He wasn't talking to Mrs. Dobrich.**  
13 Q. Really?  
14 **A. He was speaking at the podium in front of a**  
15 **group of people.**  
16 Q. Mrs. Bunting, I want to make sure that I  
17 understand your testimony. Is it your view that  
18 Mr. Johnson had no intention of speaking to Mrs.  
19 Dobrich with those remarks?  
20 **A. You mean threatening Mrs. Dobrich?**  
21 Q. What gave you the idea I was talking about  
22 threatening Mrs. Dobrich?  
23 **A. Well, you said he was comparing it to**  
24 **what's her name, Margaret.**

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1 **A. Okay.**  
2 Q. Do you recall that?  
3 **A. Yeah, uh-hum.**  
4 Q. Do you recall that the response from the  
5 crowd was something less than respectful, courteous  
6 and temperate?  
7 **A. Sir, people were saying things while people**  
8 **were talking. I don't hear well, and that's no**  
9 **excuse on my part, but I don't hear well. Most**  
10 **things that people say in meetings, and I will refer**  
11 **to last night, I don't hear everything that people**  
12 **say. Was there mumbling, yes.**  
13 Q. Disrespectful mumbling?  
14 **A. I didn't hear what they said because I was**  
15 **up front, so I don't know if it was disrespectful I**  
16 **can't answer something I don't know, sir.**  
17 Q. Did you hear someone shout, "Take your  
18 yarmulke off?"  
19 **A. No, I did not.**  
20 Q. Did you hear someone shout to Mrs. Dobrich,  
21 "If you would simply raise your children right in  
22 the Christian faith there would be no problem?"  
23 **A. No, sir, I did not.**  
24 Q. If you had heard those comments would you

1 Q. Madelyn Murray-O'Hare?  
2 **A. Madelyn Murray-O'Hare.**  
3 Q. Did you think that Mr. Johnson's comments  
4 were in no way directed to Mrs. Dobrich?  
5 **A. I didn't see the connection. He was**  
6 **talking about a person who took prayer out of the**  
7 **school.**  
8 Q. And what did you understand the vast  
9 majority of the people commenting during the public  
10 commentary session of the August 24 meeting thought  
11 Mrs. Dobrich was trying to do?  
12 **A. They weren't -- that she wasn't trying to**  
13 **take the prayer out of the schools, it was already**  
14 **out of the schools.**  
15 Q. And you thought that was what the people at  
16 the meeting understood?  
17 **A. I don't know what they understood.**  
18 Q. Well, wait a minute. You said that you  
19 thought a lot of people at the meeting misunderstood  
20 what the meeting was about?  
21 **A. Right, they did.**  
22 Q. And isn't it correct, Mrs. Bunting, that  
23 what they misunderstood was that they thought the  
24 meeting was about taking prayer out of the schools?

4 (Pages 10 to 13)



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1 **A. They thought the meeting, my understanding**  
2 **was, they thought it was about graduation, and some**  
3 **may have thought it was about taking it out of**  
4 **school. I don't know what they thought.**  
5 Q. Oh February 27, 2005 there was a meeting to  
6 address the issue of a proposed settlement of this  
7 litigation, do you recall that meeting?  
8 **A. Yes, I do.**  
9 Q. The Board went into executive session, do  
10 you recall that?  
11 **A. Yes.**  
12 Q. Physically speaking where did you go to go  
13 into executive session?  
14 **A. Oh --**  
15 Q. Do you remember?  
16 **A. Let's see, I think we were at Sussex**  
17 **Central High School --**  
18 Q. That's right.  
19 **A. So, we would have gone to the library.**  
20 Q. And is that --  
21 **A. Either that or the first room next to where**  
22 **we go to the cafeteria.**  
23 Q. I just wanted to place it in context, Mrs.  
24 Bunting. Were you able to hear through the door

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1 what was going on in the auditorium?  
2 **A. No, sir.**  
3 Q. At the close of the executive session did  
4 Mr. Helms tell his fellow Board members that he  
5 wanted to make a statement when the Board returned  
6 to public session?  
7 **A. I don't know, sir.**  
8 Q. That is to say you can't remember whether  
9 he told you that?  
10 **A. I don't recall whether he told us all or**  
11 **not.**  
12 Q. You recall that Mr. Helms did in fact make  
13 a statement when you returned to public session?  
14 **A. Yes, he did.**  
15 Q. Did he share that -- it was a prepared  
16 statement, is that right?  
17 **A. It was a prepared statement I understand.**  
18 Q. Did he share that prepared statement with  
19 you before he offered it?  
20 **A. No, he did not.**  
21 Q. Did you agree with the sentiments that the  
22 prepared statement expressed?  
23 **A. I thought it could have been a little**  
24 **different.**

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1 Q. In what respect?  
2 **A. Are you referring to the back of the bus?**  
3 Q. I'm not referring to anything, I am just  
4 asking you in what ways it should have been  
5 different in your view?  
6 **A. I just thought that it could have been a**  
7 **little clearer about what the objective was.**  
8 Q. And you mentioned the back of the bus  
9 comment, was there something about that that you  
10 thought was unclear?  
11 **A. Well, I just remember me thinking I wonder**  
12 **why he said back of the bus, that's all.**  
13 Q. Did it occur to you that what he was  
14 referring to was Mrs. Rosa Parks?  
15 **A. I figured it had to be if that's what he**  
16 **was referring to.**  
17 Q. Did you personally think that it was  
18 appropriate for Mr. Helms to compare himself to Rosa  
19 Parks?  
20 **A. I don't think Mr. Helms prepared the**  
21 **statement, sir.**  
22 Q. When did you find out that Mr. Helms did  
23 not prepare the statement?  
24 **A. He announced it when he was reading the**

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1 **statement in front of all the people.**  
2 Q. I'm sorry?  
3 **A. I thought he told the people that he had a**  
4 **prepared statement to read, that he had been asked**  
5 **to give.**  
6 Q. I just finished deposing Mr. Helms and he  
7 told me unequivocally that he did not attribute the  
8 statement, but presented it as his own statement?  
9 **A. Oh, okay, then maybe he told us later, I**  
10 **don't recall. He might have told us later.**  
11 Q. At the time when the Board returned from  
12 its executive session to public session on February  
13 27, 2005 do you think it would have been appropriate  
14 for Mr. Bireley to call on a member of the public to  
15 speak at that point?  
16 **A. I don't see any reason why he should have**  
17 **called on a member of the public to speak.**  
18 Q. There was no public commentary section of  
19 the meeting on the agenda at that point was there?  
20 **A. I don't know, I don't recall, sir, whether**  
21 **there was or not.**  
22 Q. Do you think it would have been appropriate  
23 for Mr. Bireley to call on Mr. Neuberger to speak at  
24 that point?

5 (Pages 14 to 17)

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1 **A. I don't see why he should have.**  
2 Q. On the other hand, do you think it was  
3 appropriate for Mr. Helms to read without  
4 attribution a statement prepared by Mr. Neuberger at  
5 that point?  
6 **A. Was it appropriate? I think we all have**  
7 **the right to read or say what we want to say.**  
8 **Usually after you have the motion made and then**  
9 **someone seconds it, then if anyone wants to say**  
10 **anything about it before there is a vote, then**  
11 **people say something if they want to.**  
12 Q. If you, Mrs. Bunting, were to read a  
13 statement that had been written by someone else into  
14 the record at the Board meeting wouldn't you  
15 attribute that statement to its author?  
16 **A. I probably would.**  
17 Q. And the reason you would do that is because  
18 it is potentially deceptive to read a statement as  
19 your own that was not written by you but rather by  
20 someone else, wouldn't you agree?  
21 **A. Well, I don't know that it's deceptive to**  
22 **your audience, but you know when every word is**  
23 **hanging, everything is hanging on what you say I**  
24 **probably would want to be careful that I attribute**

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1 **it to who had said it.**  
2 Q. I would like you to put yourself in the  
3 shoes of an audience member at the December 27, 2005  
4 meeting?  
5 **A. Okay.**  
6 Q. If Mr. Helms, did not, as he said he did  
7 not, attribute the author of his prepared statement,  
8 wouldn't you as an audience member have assumed that  
9 the words that were being read were Mr. Helms'  
10 words?  
11 **A. Sure, if I heard it read.**  
12 Q. This lawsuit is in part about the Board  
13 Prayer Policy BDA.1. Actually let me put it in front  
14 of you so that you have it.  
15 I'm going to give you all the exhibits, but  
16 I'm opening the stack to Exhibit 9.  
17 **A. Okay.**  
18 Q. Mrs. Bunting, you have before today read  
19 Board Prayer at Regular Board Meetings, policy  
20 BDA.1, is that correct?  
21 **A. Yeah.**  
22 Q. And it was adopted on October 19, 2004?  
23 **A. I will take your word for it.**  
24 Q. Well, you see down at the lower left where

1 it says, "Adopted 10/19/04?"  
2 **A. Okay.**  
3 Q. I'm going ask you some questions about this  
4 policy?  
5 **A. All right.**  
6 Q. The first section numbered one says: "In  
7 order to solemnify its proceedings, the Board of  
8 Education may choose to open its meetings with a  
9 prayer or moment of silence, all in accord with the  
10 freedom on conscience of the individual adult Board  
11 member."  
12 **A. Yes, sir.**  
13 Q. That paragraph, which sets out the right of  
14 the Board of Education to open its meetings with a  
15 prayer, begins with the phrase, "In order to  
16 solemnify its proceedings," do you see that?  
17 **A. Uh-hum.**  
18 Q. And is that in fact the reason for the  
19 Board of Education's conferring on itself the choice  
20 to open the meeting with a prayer, in order to  
21 solemnify the proceedings?  
22 **A. I did not write this, and I was not at the**  
23 **meeting were this was written, so, am I to assume**  
24 **that that's what the writers meant, is that what**

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1 **you're asking me?**  
2 Q. Not at all. You are a Board member who  
3 voted for this policy, correct?  
4 **A. I voted for the policy, I'm sure I did.**  
5 Q. When you voted for it did you understand  
6 that the purpose of a prayer at the opening of the  
7 meeting as embodied in this policy was to solemnify  
8 the proceedings?  
9 **A. I guess I will say yes.**  
10 Q. Was there any other purpose for the  
11 offering of the prayer or moment of silence at the  
12 commencement of the Board meetings other than or in  
13 addition to the desire to solemnify the Board's  
14 proceedings?  
15 **A. Any other reason?**  
16 Q. Yes.  
17 **A. Like in it was being done when I got on the**  
18 **Board.**  
19 Q. Okay fair enough, I will take that as a  
20 second reason, we can call that reason inertia. Is  
21 there any other reason for the offering of prayer at  
22 the commencement of Board meetings?  
23 **A. Not to my knowledge.**  
24 Q. Okay, so as a Board member when you voted

6 (Pages 18 to 21)

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1 to approve policy BDA.1 you understood that the  
2 purpose of prayer at the opening of Board meetings  
3 was two fold, one, that's the way, a I understood  
4 it, tat it had been done for a period of time, even  
5 before you joined the Board, and two, prayer at the  
6 beginning of a Board meeting operated to solemnify  
7 the proceedings, is that correct?  
8 **A. I guess that's correct.**  
9 Q. Okay. When did you join the board?  
10 **A. 2002, July 2002.**  
11 Q. Do you believe that the Board has had a  
12 long tradition of opening its meetings with a  
13 prayer?  
14 **A. Yes.**  
15 Q. Do you believe the Board has a long history  
16 of opening its meetings with sectarian prayer?  
17 **A. Yes.**  
18 Q. What's the basis for your belief?  
19 **A. What's the basis for my belief? Do you**  
20 **want my history as long as I can remember, as long**  
21 **as whatever?**  
22 Q. I want to know what's the basis for your  
23 belief that the Board of Education opened its  
24 meetings with a sectarian prayer?

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1 **A. In the '50s I was in elementary school and**  
2 **I remember being at a Board meeting one night, I**  
3 **don't know for what reason, but I know they started**  
4 **it with a prayer.**  
5 Q. Was it a sectarian prayer?  
6 **A. Can I be sure, I don't recall that it was,**  
7 **but I can be pretty sure that it was.**  
8 Q. How can you be so sure that it was?  
9 **A. Because I know who the president of the**  
10 **Board was and I knew my friend's father was also on**  
11 **the Board, and another friend's father was also on**  
12 **the Board. These are people who were in my church**  
13 **at the time.**  
14 Q. People in your church would never offer a  
15 nonsectarian prayer?  
16 **A. I don't know, sir, they could probably.**  
17 Q. Now I want to explore the basis on which  
18 Board members had been invited to offer a prayer or  
19 a moment of silence at each Board meeting?  
20 **A. Right.**  
21 Q. And did you understand that the policy that  
22 you voted to adopt provides a rotating basis, each  
23 Board member would be given the opportunity to offer  
24 a prayer or request a moment of silence?

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1 **A. Uh-hum.**  
2 Q. You have to answer yes or no?  
3 **A. Yes.**  
4 Q. The court reporter can't take down a nod?  
5 **A. Okay, video camera it's good, though.**  
6 Q. Has the Board on a rotating basis offered  
7 each individual Board member the opportunity to  
8 offer a prayer, or request a moment of silence since  
9 this policy was adopted?  
10 **A. I believe that's the case, sir, but I am**  
11 **not the one who, you know, invites the people. And**  
12 **I know there are evenings when some people are**  
13 **absent and that type of thing. It's my**  
14 **understanding that people are given the opportunity**  
15 **on a rotating basis. But can I count up when it's**  
16 **my turn because there are ten of us, then no because**  
17 **there are other circumstances.**  
18 Q. Do you know whether it's the intent of the  
19 president of the Board to have followed paragraph  
20 two of this policy?  
21 **A. Yes, sir it's his intent, that's as far as**  
22 **I know.**  
23 Q. Mr. Bireley testified that when he became  
24 president of the Board he asked each Board member

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1 whether they would like to be in the rotation to be  
2 invited to offer a prayer. Were you asked that  
3 question?  
4 **A. Yes.**  
5 Q. And did you volunteer to become part of the  
6 rotation when he asked you that?  
7 **A. Yes, I did, yes.**  
8 Q. Did he tell you that some persons had  
9 declined that invitation?  
10 **A. No, sir.**  
11 Q. Are you aware of anyone who has been  
12 offered the opportunity to offer a prayer or a  
13 moment of silence and has turned it down at a Board  
14 meeting?  
15 **A. I have no knowledge of that.**  
16 Q. When you say you have no knowledge does  
17 that mean you don't recall that ever having  
18 happened?  
19 **A. No, sir, he would not have discussed that**  
20 **with rest of us.**  
21 Q. No, I'm talking about at meetings where you  
22 were in attendance?  
23 **A. You weren't asked right at the meeting.**  
24 **You're asked ahead of time.**

7 (Pages 22 to 25)



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1 Q. Oh, you're asked ahead of time?  
2 **A. Oh, yes, sir.**  
3 Q. And then aren't you at the meeting doesn't  
4 president Bireley say, by way of example. Mrs.  
5 Bunting would you like to lead the Board in a prayer  
6 or in a moment of silence?  
7 **A. Right.**  
8 Q. All right, so an invitations is in fact  
9 offered at the meeting?  
10 **A. No, sir. Well, he knows that you are going**  
11 **to be the one that has said they will do it. He**  
12 **will -- he calls you and asks you ahead of time if**  
13 **you will do it, and you say yes, and then or, you**  
14 **know, if you are going to do it, I said yes, and**  
15 **then the night of the meeting he turns to you and**  
16 **calls your name.**  
17 Q. All right, and so you get a heads up ahead  
18 of time?  
19 **A. Yes.**  
20 Q. And then at the meeting he says  
21 Mrs. Bunting would you like to lead us in a prayer?  
22 **A. No, sir, he does not say Mrs. Bunting would**  
23 **you like to lead us in a prayer.**  
24 Q. What does he say?

1 **A. No.**  
2 Q. So, the process that Mr. Bireley uses  
3 ensures that the only people who will be given an  
4 opportunity to lead the Board in prayer are people  
5 who would want to do so, correct?  
6 **A. Would you repeat that, please?**  
7 Q. Sure. The process that Mr. Bireley uses of  
8 asking you in advance whether you want to do it,  
9 that ensures that in every case the person offered  
10 the opportunity to lead the Board in prayer will  
11 take up that opportunity, correct?  
12 **A. Yes.**  
13 Q. In fact, it's designed so that no one will  
14 be embarrassed by having to say no thank you Mr.  
15 Bireley, I'd prefer not to, correct?  
16 **A. It's designed not to embarrass, yes sir.**  
17 Q. Now, I am going to represent to you that  
18 Mr. Bireley told me under oath that one Board member  
19 affirmatively told him that he did not want to be  
20 involved in offering a prayer to open the Board  
21 meeting?  
22 **A. Okay.**  
23 Q. And that five other Board members declined  
24 to volunteer, that is they said -- they did not say

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1 **A. He says Mrs. Bunting. He reads number one**  
2 **here, and then he says --**  
3 Q. Mrs. Bunting?  
4 **A. Mrs. Bunting.**  
5 Q. That's it?  
6 **A. Yes.**  
7 Q. Okay. Well, do you know whether anyone who  
8 was called in advance declines the opportunity to be  
9 the person to present the prayer?  
10 **A. No, sir I have had no knowledge of that. I**  
11 **would not know that.**  
12 Q. The process that Mr. Bireley uses by  
13 calling people in advance -- well, let me ask you  
14 this question, do you know whether if Mr. Bireley  
15 called an individual Board member and he or she said  
16 I would rather not give the prayer, whether  
17 Mr. Bireley would then turn to that person at the  
18 subsequent meeting and say, if it were you, for  
19 example, Mrs. Bunting and you would say no?  
20 **A. Oh, no sir, he would not turn to you if you**  
21 **had already declined.**  
22 Q. He wouldn't put you on the spot, would he?  
23 **A. No.**  
24 Q. Or embarrass you?

1 as you did sure Mr. Bireley I'd be delighted if you  
2 asked me to offer the prayer. He said would you  
3 like to be involved, if you would just give me a  
4 call and let me know, and they all did not call him.  
5 So, in the current composition of the  
6 Board, of the ten members, six have declined to  
7 volunteer, one of those six has affirmatively said  
8 that he does not want to led the Board in prayer.  
9 I'd like you to accept that for the moment, okay?  
10 **A. Okay. Six people have said that they do**  
11 **not want to, is that what you just said?**  
12 Q. No, six people have not taken up  
13 Mr. Bireley's invitation to tell him that they want  
14 to --  
15 **A. With the present Board?**  
16 Q. Correct.  
17 **A. Six people have not, okay.**  
18 Q. Okay?  
19 **A. Okay.**  
20 Q. Four people, or to say it a different way,  
21 four people have volunteered to join the prayer  
22 rotation?  
23 **A. Four people have volunteered to join?**  
24 Q. Yes, ma'am.

8 (Pages 26 to 29)



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1 **A. I didn't know there was a volunteering,**  
2 **sir.**  
3 Q. I'm just telling you what Mr. Bireley told  
4 me?  
5 **A. Okay, I just thought he called and you said**  
6 **yes or no, okay.**  
7 Q. Now, I'd like you to imagine that you are a  
8 person who attends each Board meeting as an audience  
9 member, a resident of the district, and I'd like you  
10 to imagine that as is the practice in each case when  
11 Mr. Bireley turns to Mrs. Bunting or Dr. Hattier or  
12 whoever, that person launches into a prayer, or  
13 leads a moment of silence, whatever, and that that  
14 occurs for 27 straight meetings, that no person ever  
15 declines the opportunity, okay?  
16 **A. Okay, no person on the Board ever declines?**  
17 Q. At the meetings. Each person when  
18 Mr. Bireley turns to them takes up the opportunity  
19 to lead a prayer. Are you with me so far?  
20 **A. I'm not sure that I'm with you, because I**  
21 **thought we clarified the fact that people don't**  
22 **decline at the meeting.**  
23 Q. Yes, that's precisely what I said --?  
24 **A. Now you are saying --**

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1 Q. In each instance, each meeting since  
2 October 19, 2004 when the president of the Board has  
3 turned to a member of the Board and said  
4 Mrs. Bunting, that person has promptly launched into  
5 a prayer or led a moment of silence, okay?  
6 **A. Okay. For 27 --**  
7 Q. I think it's 27 straight, maybe it's 24,  
8 maybe it's 28, I forget, okay?  
9 **A. All right.**  
10 Q. And the person sitting in the audience in  
11 each of those meetings would develop a picture of  
12 the religious beliefs of the Board members based in  
13 part on what they do in response to that invitation  
14 to pray, would you agree with me about that?  
15 **A. The people in the audience are getting a**  
16 **picture of the person's religious beliefs?**  
17 Q. Sure.  
18 **A. Just by whether there are willing to give**  
19 **the prayer or not?**  
20 Q. Sure.  
21 **A. Is that what you're asking me?**  
22 Q. Sure.  
23 **A. I wouldn't get a vision of what someone's**  
24 **religious beliefs were, just whether they were**

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1 **willing to give a prayer or not, sir. So, why would**  
2 **someone in the audience think that?**  
3 Q. Fair enough, thank you for your answer. My  
4 next scenario, which is not what has happened, but  
5 which would comply with paragraph two of the policy  
6 would be that at each meeting on a rotating basis  
7 each Board member would be given the opportunity to  
8 offer a prayer, and, for example, on the current  
9 composition of the Board we could intuit that six of  
10 them would say no thank you.  
11 Would that give a different picture of the  
12 religious beliefs of the School Board to an audience  
13 member?  
14 **A. No, sir. Could I clarify that?**  
15 Q. Sure.  
16 **A. Some people aren't comfortable doing it.**  
17 **They'd like to.**  
18 Q. Is that the clarification?  
19 **A. Well, I know for a fact that some people**  
20 **aren't comfortable doing it. I talked to a person**  
21 **last night.**  
22 Q. What person was that?  
23 **A. That was Trish Oliphant.**  
24 Q. What was the occasion for your conversation

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1 with Ms. --  
2 **A. We were at that meeting that I couldn't be**  
3 **here last night, Reggie had to take my place, I was**  
4 **representing our Board in Dover. We had a big state**  
5 **meeting and Charlie Bireley, Susan Bunting, Donna**  
6 **Mitchell, Trish Oliphant and I.**  
7 Q. That was a State Board of Education  
8 meeting?  
9 **A. Yes, sir.**  
10 Q. Did it open with a prayer?  
11 **A. No, it did not.**  
12 Q. Did you feel like the proceedings were not  
13 solemn?  
14 **A. I did personally.**  
15 Q. I'm sorry, my question was in the negative,  
16 let me ask it properly.  
17 **A. Okay.**  
18 Q. Did you think that the proceedings were  
19 conducted in a solemn manner?  
20 **A. I was okay with the meeting, sir, but I was**  
21 **not comfortable at dinner when there was not a**  
22 **blessing of the food, okay? I will answer that for**  
23 **you.**  
24 Q. I didn't ask about the dinner, I was asking

9 (Pages 30 to 33)

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1 about the meeting?  
2 **A. That was part of the meeting, sir the**  
3 **dinner was part of the meeting.**  
4 Q. It was the lack of blessing of the food  
5 that troubled you?  
6 **A. Well, if you said not solemnized, that's**  
7 **what I meant.**  
8 Q. The proceedings of the meeting itself, the  
9 discussions at the meetings, the actions taken and  
10 so forth, the official proceedings of the meeting  
11 were conducted in a solemn manner, is that correct?  
12 **A. I don't know that you would call it a**  
13 **solemn manner. It was a state meeting where people**  
14 **from every school district are represented, and we**  
15 **are talking about state matters, and we are not**  
16 **dealing with legislating or making any kind of**  
17 **decisions for our own local district. We're just**  
18 **discussing things throughout the state that we would**  
19 **like to see happen or we would like to work on.**  
20 Q. Did you think that the tenor of those  
21 discussions was serious?  
22 **A. It was serious I'm sure, I mean it all**  
23 **dealt with education.**  
24 Q. Did people conduct themselves appropriately

1 opened with a prayer?  
2 **A. I can't say something that you're trying to**  
3 **get me to say. Again I have no control over that.**  
4 **There is not for me to say.**  
5 Q. Mrs. Bunting, it's probably true that I  
6 will give up eventually if you keep not answering my  
7 questions, but the deposition will be much longer if  
8 you don't.  
9 **A. Sir, all I can say to you is when I am in**  
10 **their territory it is not my territory, and it is**  
11 **not my decision to be made.**  
12 Q. Whose territory is it?  
13 **A. It's the entire state.**  
14 Q. Your previous answer was their territory?  
15 **A. It's the entire state.**  
16 Q. Well, then --  
17 **A. I am only 1/19, they are 18/19 of the**  
18 **state. I am only representing one School Board.**  
19 Q. Well, if it's not within your control whose  
20 control is it within?  
21 **A. It's a state organization made up all 19**  
22 **school districts.**  
23 Q. Who makes the decision how to solemnify the  
24 proceedings of the State Board of Education?

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1 and take the matter seriously?  
2 **A. Oh, sure they always conduct themselves**  
3 **appropriately.**  
4 Q. And take the matters which they are  
5 addressing seriously?  
6 **A. It is a serious matter.**  
7 Q. How long have you been attending State  
8 Board of Education meetings?  
9 **A. The whole time I've been on this School**  
10 **Board.**  
11 Q. Since 2002?  
12 **A. Uh-hum.**  
13 Q. And has there ever been a prayer offered at  
14 the commencement of the meetings?  
15 **A. No.**  
16 Q. I take it then that it's your view that it  
17 is not necessary to necessary to solemnify the State  
18 Board of Education proceedings for those meetings to  
19 open with a prayer?  
20 **A. Sir, it's not under my control.**  
21 Q. That's not my question. I know it's not  
22 under your control. My question is, is it your  
23 testimony that it is not necessary to solemnify the  
24 State Board of Education proceedings for them to be

1 **A. Sir, again I am new man on the totem pole,**  
2 **I arrived there in '02, and things were going along,**  
3 **you know. I joined the group because I was asked to**  
4 **represent my School Board.**  
5 Q. I don't know what new --  
6 **A. We have an executive director, if that's**  
7 **what you mean who, and a secretary, who are in**  
8 **charge of the Delaware State School Boards**  
9 **Association, I'm on the executive committee.**  
10 Q. Of the State School Board Association?  
11 **A. Of the State School Board's Association**  
12 **because I represent Indian River School District at**  
13 **those meetings. This is not a State School Board**  
14 **meeting, this is a -- there is the State School**  
15 **Board and then our group is, represents all of the**  
16 **individual boards. They are two different things.**  
17 **Like Greg Hastings is now on the State School Board,**  
18 **but this is DSBA, Delaware State Boards Association.**  
19 Q. And you are on the executive committee of  
20 that organization?  
21 **A. I am on the executive committee.**  
22 Q. Are all 19 districts represented on the  
23 executive committee?  
24 **A. Yes, sir, all 19 are represented.**

10 (Pages 34 to 37)

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1 Q. On the executive committee?  
2 **A. On the executive committee. They are not**  
3 **always all in attendance, so I can't say that they**  
4 **are represented at every meeting.**  
5 Q. Is a purpose of Board Policy BDA.1 to  
6 protect individual Board members against  
7 discrimination?  
8 **A. Sir, I don't know if it's protecting us**  
9 **against discrimination or not.**  
10 Q. When you voted to adopt Board Policy BDA.1  
11 am I right that it was not your purpose to protect  
12 individual Board members from discrimination?  
13 **A. When I adopted this it was my understanding**  
14 **that I had the right to adopt what this says.**  
15 Q. I don't really -- I wasn't asking you for  
16 your understanding of your rights, I was asking what  
17 your purpose was in adopting the policy?  
18 **A. My right to be able to pray at the Board**  
19 **meeting.**  
20 Q. Oh, okay, so your purpose in adopting the  
21 policy was to preserve your right to pray at the  
22 Board meeting?  
23 **A. That's my understanding, that this was a**  
24 **document that would give us our free speech and our**

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1 **freedom of religion.**  
2 Q. And when you used the possessive pronoun  
3 our, you mean the individual --  
4 **A. Ten board members.**  
5 Q. Yes, okay. And that was the purpose of  
6 adopting the policy?  
7 **A. Well, that was my understanding, that we**  
8 **had to have a policy, so the policy committee came**  
9 **up with a policy.**  
10 Q. Mrs. Bunting, I can only ask the questions  
11 of the person in front of me, so I'm asking in each  
12 case, I'm asking for what caused you to vote for the  
13 policy. Was your purpose in voting for this policy  
14 to preserve the individual rights of the individual  
15 School Board members to pray at School Board  
16 meetings?  
17 **A. Yes.**  
18 Q. Okay, and so the purpose of the policy is  
19 to prevent discrimination against the individual  
20 Board members in the exercise of their religion?  
21 **A. Sir, I guess so, but you're a lawyer and**  
22 **I'm not so --**  
23 MR. SHAW: Can we go off the  
24 record for a moment please?

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1 MR. ALLINGHAM: No thanks.  
2 MR. SHAW: Just answer the  
3 questions that he is asking you.  
4 **A. Okay. I mean --**  
5 Q. Would you like to have that question read  
6 back?  
7 **A. Yes.**  
8 Q. Could you read it back, please?  
9 (WHEREUPON the reporter read  
10 back the preceding question)  
11 **A. I'll say yes.**  
12 Q. Okay. I have a couple of questions that go  
13 back to an earlier answer. I asked you whether  
14 inertia, let's use a different word. I asked you  
15 whether the School Board's history of offering a  
16 prayer at the beginning of its meetings formed any  
17 part of your thinking in terms of voting for the  
18 Board Prayer Policy, and I think you said it did, is  
19 that correct?  
20 **A. Yes, because we had always done it.**  
21 Q. I have a slightly different question. If  
22 the Board had not, prior to the summer of 2004 when  
23 you began considering this policy, if the Board had  
24 not up to that point been offering a prayer at the

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1 beginning of its meetings, would you still have  
2 supported the adoption of a policy that would offer  
3 Board members the choice to offer a prayer?  
4 **A. If what you are saying is, if it had not --**  
5 **if there had been no prayer all these years?**  
6 Q. Yes, ma'am.  
7 **A. And then all of a sudden when I got on the**  
8 **Board someone suggested why don't we start having a**  
9 **prayer before we start our meetings --**  
10 Q. Yes, ma'am?  
11 **A. Is that what you're saying?**  
12 Q. Yes, ma'am?  
13 **A. Would I have supported having a prayer at**  
14 **the beginning of the meetings?**  
15 Q. Yes, ma'am?  
16 **A. I don't know.**  
17 Q. If you were -- if it were within your  
18 control to open DSBA meetings with a prayer, would  
19 you do so?  
20 **A. You don't want me to be long winded, I**  
21 **know.**  
22 Q. You should answer however you like, that  
23 represents your best answer to the question.  
24 **A. The word represent, sir, I represent the**

11 (Pages 38 to 41)



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1 **community, I'm elected official, I would have to**  
2 **know -- I would have to find out what my**  
3 **constituency wanted me to do.**  
4 Q. I understand, I think understand. I'm  
5 going to come back to that in a little while. All  
6 right, the right of the individual Board members to  
7 exercise their faith as they see fit, that is  
8 protected by Board Policy BDA.1, am I correct that  
9 it is not without limits? There is to say, there  
10 are limitations in the policy itself on the right of  
11 Board members to exercise their religion by praying?  
12 **A. I'm not sure what you mean by that**  
13 **question.**  
14 Q. Well, let me try to be clearer. In  
15 paragraph three?  
16 **A. All right.**  
17 Q. Referring to the opportunity to open the  
18 meetings with a prayer or a moment of silence,  
19 paragraph three says, "Such opportunity shall not be  
20 used or exploited to proselytize, advance or convert  
21 anyone, or to derogate or otherwise disparage any  
22 particular faith or belief."  
23 **A. Okay, and your question again?**  
24 Q. My question is that paragraph represents a

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1 limitation on the otherwise absolute right to  
2 exercise your religion as you see fit?  
3 **A. In my view, yes, sir.**  
4 Q. And that was a limitation that you were  
5 willing to accept?  
6 **A. Absolutely.**  
7 Q. And a limitation that you thought was  
8 appropriate for the Board to adopt as policy?  
9 **A. Of course.**  
10 Q. Okay. I would like to know how, and this  
11 is just exploring what those words mean, I'd like  
12 to know how you would go about identifying a prayer  
13 that was a proselytizing prayer. Walk me through  
14 your analysis?  
15 **A. Would you please clarify the meaning?**  
16 **Clarify the meaning?**  
17 Q. Of?  
18 **A. Of proselytize for me, please, your**  
19 **meaning?**  
20 Q. It's actually your understanding that's  
21 important, Mrs. Bunting. When you adopted the  
22 policy, voted to adopt the policy, what did you  
23 understand proselytize to mean?  
24 **A. I didn't understand it, advance or convert**

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1 **I understand. Derogate or otherwise disparage any**  
2 **particular faith or belief, I understand, but I'm**  
3 **not sure what the word means.**  
4 Q. Did you ask anybody before you voted on the  
5 policy?  
6 **A. No, sir I did not.**  
7 Q. How come?  
8 **A. I just didn't. We trust each other on the**  
9 **Board. We take recommendations, I'm not on this**  
10 **committee, the committee recommended that we adopt**  
11 **this, and I voted to adopt it. Did I know every**  
12 **single word there, I hadn't thought about it till**  
13 **now.**  
14 Q. Do you know who drafted Board Policy BDA.1?  
15 **A. I understand it was Mr. Walls was I think**  
16 **the chairperson of the committee. I am not sure who**  
17 **else was on his committee. I assume Donna Mitchell**  
18 **was on his committee, but I do not know who else was**  
19 **involved. And I am not even sure that Donna was on**  
20 **the committee. I think she was.**  
21 Q. I'm just going to walk through the process  
22 quickly and make sure I understand it?  
23 **A. Okay.**  
24 Q. When a matter is -- when the Board

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1 concludes that a matter should be addressed with a  
2 Board policy, the Board refers that matter to the  
3 policy committee of the Board is that right?  
4 **A. Yes, sir.**  
5 Q. And then the policy committee formulates a  
6 recommended policy which it brings back to the full  
7 Board, correct?  
8 **A. Yes, sir.**  
9 Q. And is that the process that was gone  
10 through for Board policy BDA.1?  
11 **A. I'm sure it was.**  
12 Q. So, your understanding of the source or the  
13 genesis of Board Policy BDA.1 is that it came from  
14 the policy committee?  
15 **A. Yes, that's where it says it came from, so**  
16 **I assume it did. They number them at the top.**  
17 Q. This BDA.1?  
18 **A. Uh-hum.**  
19 Q. Business. Isn't that the designation for  
20 where it falls in the process?  
21 **A. Yeah, but if it wasn't anything that had**  
22 **been generated in the policy committee they wouldn't**  
23 **have numbered it.**  
24 Q. Okay. When this policy was presented for

12 (Pages 42 to 45)

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1 first reading at the Board, it was presented by  
2 Mr. Walls, correct?  
3 **A. I'm sure.**  
4 Q. So, and he is the head of the policy  
5 committee?  
6 **A. Uh-hum.**  
7 Q. So, that's the basis of your understanding  
8 that the policy committee was responsible for  
9 putting together this policy?  
10 **A. Right.**  
11 Q. And it's those people whom you would be  
12 trusting as to the meaning of proselytize or  
13 whatever other --  
14 **A. Yes, sir.**  
15 Q. -- word you didn't know?  
16 **A. Yes, sir.**  
17 Q. Would it surprise you to learn that the  
18 policy committee did not draft this policy?  
19 **A. Would it surprise me?**  
20 Q. Yes.  
21 **A. No, because I think something was said**  
22 **about they had lawyer input or something into the**  
23 **policy or something, or they had gotten it from**  
24 **another group, or I don't know. I really don't**

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1 **know.**  
2 Q. So, it's possible that someone else drafted  
3 this policy than the members of the policy  
4 committee, you just don't know?  
5 **A. No. And I would say if someone else did**  
6 **draft the policy, our policy committee would have**  
7 **gone over it, they wouldn't have just automatically**  
8 **brought it to us without them having discussed it.**  
9 Q. Okay. We need to change the tape.  
10 **A. Okay.**  
11 MS. DUPHILY: Going off the record  
12 at approximately 1:52 p.m..  
13 (WHEREUPON a brief recess was  
14 taken)  
15 MS. DUPHILY: We are back on the  
16 record at approximately 1:59 p.m..  
17 Q. Mrs. Bunting, before we broke you told me  
18 that if the Board policy was written by someone  
19 other than the Board Policy Committee you were quite  
20 sure that the policy committee would have reviewed  
21 it and gotten comfortable that it was an appropriate  
22 policy to present to the full Board, is that right?  
23 **A. Yes, sir.**  
24 Q. In this particular case with respect to

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1 Board Policy BDA.1, do you know whether or not the  
2 policy committee did that?  
3 **A. No, I don't because I don't attend policy**  
4 **committee meetings.**  
5 Q. I'd have to ask Mr. Walls about that?  
6 **A. Oh, okay.**  
7 Q. He would know, right?  
8 **A. He would know if I were there?**  
9 Q. I am sorry.  
10 **A. He would know --**  
11 Q. If I want to know whether the policy  
12 committee --  
13 **A. Oh, yeah, right, please.**  
14 Q. We were looking at paragraph three of the  
15 Board Policy, and I am going to skip over the  
16 proselytizing part, but I am going to ask you about  
17 the advance or convert anyone or to derogate or  
18 otherwise disparage any particular faith or belief.  
19 Would describe for me how you as a Board member  
20 would make the decision whether a particular prayer  
21 advanced -- sought to advance or convert anyone or  
22 to derogate or otherwise disparage any particular  
23 faith or belief?  
24 **A. How I would do it?**

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1 Q. How would you go about analyzing?  
2 **A. Making sure that we didn't do that, you**  
3 **mean?**  
4 Q. Yes, ma'am?  
5 **A. Well, I know when I give the prayer it is**  
6 **just talking about our staff and students, and about**  
7 **our own decision making. It does not involve**  
8 **anything or anybody else.**  
9 Q. Maybe a better way to go about it would be  
10 to give you some examples of prayers and ask you  
11 whether you think those prayers would violate  
12 paragraph three of the limitations --  
13 **A. Okay.**  
14 Q. -- that are in there. So, I'm going to  
15 show you, I'm going to show you two prayers and the  
16 third one is short and I think I can just read it  
17 into the record for you. Your counsel is getting  
18 PX35. I  
19 I'm going to read it, Mrs. Bunting, but it  
20 might help you to follow along as I read?  
21 **A. Okay.**  
22 Q. "Do not put your trust in princes, in  
23 mortal men who cannot even save themselves. When  
24 their spirit departs they return to the ground. On

13 (Pages 46 to 49)

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1 that very day their plans come to nothing. Blessed  
2 is he whose help is the God of Jacob, whose hope is  
3 in the Lord his God the maker of heaven and earth,  
4 the sea and everything in them. The Lord who  
5 remains faithful forever.

6 He upholds the cause of the oppressed and  
7 gives food to the hungry. The Lord sets prisoners  
8 free. The Lord gives sight to the blind. The Lord  
9 lifts up those who are bowed down. The Lord loves  
10 the righteous. The Lord watches over the alien and  
11 sustains the fatherless and the widow, but he  
12 frustrates the ways of the wicked. For the wages of  
13 sin is death, but the gift of God is eternal life  
14 through Jesus Christ our Lord."

15 If one of your colleagues gave that prayer  
16 in response to Mr. Bireley's offer of the  
17 opportunity to do so, would you believe that that  
18 prayer is permitted by paragraph three or prohibited  
19 by paragraph three?

20 **A. Let me look at paragraph three again. I**  
21 **think it would depend, sir, and I'm not trying to be**  
22 **evasive. I think it would depend on whether or not**  
23 **our Board member actually wrote this prayer, or**  
24 **whether they were giving one that had already been**

1 as Dr. Hattier sometimes gives. Let me step back.  
2 Dr. Hattier sometimes has given a prayer that George  
3 Washington gave, for example?

4 **A. Yes.**

5 Q. You already testified that when you offer  
6 your prayer you offer a prayer in your own words and  
7 you just address the decisions that you have to make  
8 that night and the personnel of the district and the  
9 students, I guess, right?

10 This one is not, in my question to you,  
11 this one is not the words of the Board member, your  
12 colleague, it is not a historical prayer of George  
13 Washington or some other historical figure, it is  
14 taken from scripture, it is specifically taken from  
15 Psalms and Romans of the King James Bible.

16 **A. Okay.**

17 Q. So, my question to you is, with that  
18 additional information would you view this as  
19 sermonizing or would you view it as perfectly okay  
20 under paragraph three?

21 **A. Under paragraph three, at a Board meeting,**  
22 **among the ten of us I would not expect anyone to**  
23 **give this type of prayer, okay?**

24 Q. Yes, ma'am?

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1 written.

2 **I know Dr. Hattier likes to give prayers by**  
3 **famous people. So, if one of our Board members were**  
4 **quoting some famous prayer then I would feel that it**  
5 **would be appropriate in that way. Are you asking**  
6 **me, you are not asking me would I give this?**

7 Q. No, I asked you whether if one of your  
8 colleagues gave this would you say to yourself, gee  
9 I don't think that's permissible under paragraph  
10 three of our policy, or would you conclude that it  
11 was okay under the policy?

12 **A. I would say that I would wish they didn't**  
13 **give it, if they had written it.**

14 Q. And why is that?

15 **A. Because I think it's a bit sermonizing, but**  
16 **if they were quoting something that historically had**  
17 **been said publicly before, like one of our**  
18 **presidents or something, somebody like that, then --**  
19 **and it was not of their authorship, then I would be**  
20 **okay with it.**

21 Q. That's helpful, that's a good explanation  
22 of how you'd go about it. If -- there may be a  
23 third possibility which is that the Board member  
24 didn't write it, it was not a historical prayer such

1 **A. Now, are you asking me if I think it would**  
2 **be okay for them to?**

3 Q. I am going to do it in two pieces, okay?  
4 The first piece which you have just given me is that  
5 you would not expect anyone to give this type of  
6 prayer?

7 **A. No.**

8 Q. And is the reason why you would expect that  
9 this prayer would not be given because you view it,  
10 it's content as sermonizing?

11 **A. Well, it's not just that I view it as**  
12 **sermonizing, I view it as not dealing with what we**  
13 **have at had as a Board.**

14 Q. Yes, ma'am.

15 **A. Okay.**

16 Q. Not relevant?

17 **A. Not relevant to our decision making for the**  
18 **evening's, you know, meeting.**

19 Q. And just to tie that loop, in your prayers  
20 you try to link up the prayer to the decisions that  
21 you are actually going to have to make?

22 **A. Yes.**

23 Q. Okay. Now, let me go to the second  
24 question which you started to think about.

14 (Pages 50 to 53)



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1 Accepting that you would not expect any of your  
2 colleagues to offer this prayer for the reasons that  
3 you've given, if they did so, would you think that  
4 it would violate paragraph three of your policy?  
5 **A. I'm going to say possibly, without, you**  
6 **know, getting into it, every sentence, every word**  
7 **every -- possibly it could.**  
8 Q. Can you describe for me how you arrived at  
9 that conclusion, and I know it's a tentative  
10 conclusion?  
11 **A. Well, again it just talking generally about**  
12 **what the Lord does for all of us, or for those who**  
13 **believe. Again the reason being it doesn't have**  
14 **anything to do with what we're doing that night in**  
15 **our decision making. I think it's more that it's**  
16 **not appropriate.**  
17 Q. And is your view that paragraph three is  
18 intended to capture that notion of what's  
19 appropriate and what's not appropriate for your  
20 decision making process?  
21 **A. I think paragraph three is to make sure**  
22 **that we are not being evangelists, that we are not**  
23 **being like when you would go to a revival or**  
24 **something, that we are not, we are not preaching. I**

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1 **think that's what paragraph three means, which is**  
2 **not our intent.**  
3 Q. Okay. And in looking at the prayer I've  
4 given which is marked as Plaintiff's Exhibit 35, do  
5 you think that this prayer is preachy or evangelical  
6 or sermonizing in a way that would be prohibited by  
7 paragraph three?  
8 **A. I think more so inappropriate. I guess**  
9 **technically, yes.**  
10 Q. Okay. I'm going to give you, I'm actually  
11 going to read you a second prayer?  
12 **A. Okay.**  
13 Q. Assuming I can find it. While I'm looking  
14 I will give you a second prayer, okay?  
15 **A. Okay.**  
16 Q. This is PX45. I'm going to read, you  
17 should follow along --  
18 **A. Okay.**  
19 Q. -- with it. "Heavenly Father thank you for  
20 this great occasion. For the work, the effort, the  
21 joys and everything that led up to this point in  
22 time. Thank you for your guidance in this event.  
23 We pray for your direction in the lives of each of  
24 these School Board members. We pray that you direct

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1 them into the truth, and eventually the truth that  
2 comes by knowing Jesus. We also pray that you would  
3 be with them at this time. We ask these things in  
4 Jesus' name. Amen."  
5 As a School Board member would you view  
6 this prayer as violative of paragraph three of your  
7 policy?  
8 **A. Let me say I would sit on the fence with**  
9 **this one. As far as a prayer among the ten of us I**  
10 **think it's appropriate. I'm speaking about the one**  
11 **sentence, "We pray that you direct them into the**  
12 **truth, and eventually the truth that comes by**  
13 **knowing Jesus." I'm sure some people might think**  
14 **that that is a bit preachy. Does it offend me, no**  
15 **because we are ten people, and when we pray it's**  
16 **among the ten of us, and there is no reason for it**  
17 **to be viewed or seen or anything by anyone else**  
18 **unless they choose to.**  
19 Q. I see. The way you look at the prayer that  
20 is offered by the person, the Board member who is  
21 invited by Mr. Bireley, is that it's prayer among  
22 the ten of you?  
23 **A. Yes.**  
24 Q. Is there any reason why that prayer among

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1 the ten of you couldn't be had in the wings of the  
2 stage as opposed to on the stage in the public  
3 meeting?  
4 **A. Yes sir, I'm sure it could be.**  
5 Q. You could solemnize the occasion just as  
6 well by saying the prayer off stage as on stage?  
7 **A. I personally feel we could, again we**  
8 **represent the community.**  
9 Q. Yes, ma'am and I promise you I will come to  
10 that point. But I'm asking you now for your view as  
11 a Board member?  
12 **A. My view as a Board member this could be**  
13 **done at the beginning of the meeting and we could**  
14 **let people know that if they don't choose to come in**  
15 **they don't -- well, they know that anyway, they**  
16 **don't have to come in if they are offended by it.**  
17 Q. You could solemnize the proceedings by  
18 simply just before you walk onto the stage having  
19 your prayer among the ten of you in the wings of the  
20 stage, couldn't you?  
21 **A. Yes, because you can pray at any time**  
22 **anywhere.**  
23 Q. Mr. Helms and I had a long philosophical  
24 discussion about that today. Was there any

15 (Pages 54 to 57)

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1 discussion at any time at the Board level, during  
2 the consideration and then the adoption of Board  
3 Policy BDA.1, was there any discussion by any Board  
4 member of whether you could accomplish your goals in  
5 this policy by simply praying off stage?  
6 **A. I don't recall any formal discussion. I do**  
7 **feel that there could have been discussion among**  
8 **Board members you know, at other times.**  
9 Q. Outside of Board meetings?  
10 **A. Outside of Board meetings.**  
11 Q. Were those discussion to which you were a  
12 party?  
13 **A. Well, you know it's casual things, it's**  
14 **walking in or walking out, and people, you know,**  
15 **talking to each other briefly about this or that. I**  
16 **don't recall anything formal.**  
17 Q. Okay, so on the formal side at the meetings  
18 you don't recall any such discussion?  
19 **A. No.**  
20 Q. Do you recall any such discussion  
21 informally?  
22 **A. I think I at one point made the suggestion**  
23 **and I don't recall to whom.**  
24 Q. Do you remember --

1 **A. It occurred to me in my mind.**  
2 Q. That a solution to this problem might be --  
3 **A. Might be possible.**  
4 Q. And let me finish, and that solution might  
5 be to have the Board members pray privately before  
6 the commencement of the Board meeting?  
7 **A. It did occur to me.**  
8 Q. And now I just want to ask you personally,  
9 for you personally would a prayer before the public  
10 Board meeting commenced be sufficient to ask God for  
11 guidance during that meeting?  
12 **A. It would be as long as I did not have the**  
13 **feeling that my rights have been diminished.**  
14 Q. Let me see if I understand you. To pray  
15 privately right before the Board meeting, would be  
16 effective in your view to invoke God's guidance for  
17 the decisions that you would be making during the  
18 meeting, but if you were told that you had to pray  
19 privately and that you could not pray during the  
20 public meeting, that would be offensive to you?  
21 **A. That would be.**  
22 Q. Okay. So, the private prayer would be  
23 effective to get God's guidance, but if you were  
24 forced to do that that would be offensive?

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1 **A. That I'm wondering if we could consider**  
2 **something like this, but this was way back in the**  
3 **very beginning of the whole situation.**  
4 Q. This situation, this issue was originally  
5 triggered by Mrs. Dobrich's complaint about the  
6 graduation prayer?  
7 **A. Yes, sir.**  
8 Q. So, am I right that that informal  
9 discussion that you recall would have taken place  
10 shortly after the complaint came from Mrs. Dobrich  
11 about the graduation prayer?  
12 **A. I'm sure because we were doing everything**  
13 **that we knew to do to appease.**  
14 Q. To appease Mrs. Dobrich?  
15 **A. Yes, at that time.**  
16 Q. And so you made a suggestion maybe we could  
17 pray?  
18 **A. I don't -- I'm not saying I made a**  
19 **suggestion. I'm saying I may have said this to**  
20 **someone, and to be quite honest with you I'm not**  
21 **even sure if it was even a Board member, it could**  
22 **have been a member of my family.**  
23 Q. Okay. Without characterizing it as a  
24 suggestion, it occurred to you --

1 **A. Yes.**  
2 Q. And when it occurred to you that maybe you  
3 could solve this problem by praying privately, that  
4 was a solution in your mind because that would be an  
5 idea that came from you, and it wasn't dictated by  
6 somebody else?  
7 **A. I don't know that it was a solution in my**  
8 **mind. It was something that could be maybe talked**  
9 **about and dealt with and maybe it was an answer or**  
10 **part of an answer or, you know, something to think**  
11 **about or whatever.**  
12 Q. All right, let me give you the third  
13 prayer.  
14 **A. Okay.**  
15 Q. "Allah, we offer you our school bus  
16 drivers, we offer you our superintendent, our  
17 administrators and our secretaries. We offer you  
18 our teachers and our parents. Finally, we offer you  
19 our students. Peace be unto your prophet Muhammad.  
20 **A. Okay, and your question is?**  
21 Q. My question is do you believe that if one  
22 of your colleagues gave that prayer that it would  
23 violate paragraph three of the policy?  
24 **A. No.**

16 (Pages 58 to 61)

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1 Q. In the period from 2002 to October 2004,  
2 that's the period when you were on the Board prior  
3 to the adoption of the Board Policy BDA.1, okay?  
4 **A. Okay.**  
5 Q. You have the period in mind?  
6 **A. Yes.**  
7 Q. Did the president of the Board -- how did  
8 the president of the Board cause a prayer to be  
9 offered. Did he just invite somebody to offer a  
10 prayer?  
11 **A. Normally it was understood that if we were**  
12 **at the southern end of the district Mr. Helms gave**  
13 **the prayer, and if we were at the northern end of**  
14 **the district Mr. Evans gave the prayer because these**  
15 **gentlemen were comfortable with praying out loud.**  
16 **That's my understanding.**  
17 Q. Okay.  
18 **A. Like I said I didn't come on the Board**  
19 **until 2002, and that's the way it was being done**  
20 **when I came on.**  
21 Q. And did you develop the understanding that  
22 some of the other eight Board members were not  
23 comfortable praying out loud?  
24 **A. I really didn't pay any attention to why it**

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1 **was that way. I just assumed, you know, that's the**  
2 **way it was.**  
3 Q. Okay. In the period 2002 to October 2004  
4 did the Board president read or speak any disclaimer  
5 before the prayer was offered?  
6 **A. No. No, I don't think so.**  
7 Q. In the period after October 19, 2004 has  
8 the Board president read or spoken a disclaimer  
9 before the prayer is offered?  
10 **A. Since this all came about?**  
11 Q. Yes, ma'am.  
12 **A. Then that's when we started having the**  
13 **disclaimer.**  
14 Q. Okay. We don't have a copy of the  
15 disclaimer that's read?  
16 **A. Okay.**  
17 Q. But we do have some testimony about it.  
18 Mr. Bireley has said that he has a piece of paper  
19 that he takes to the meetings?  
20 **A. He does.**  
21 Q. So, you have seen the piece of paper?  
22 **A. Well, I've seen him reading something.**  
23 Q. But he said, he was helpful, he said look I  
24 think what's on my piece of paper is paragraph one

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1 and paragraph four of the policy?  
2 **A. Yes, I think he's right.**  
3 Q. Okay.  
4 **A. Because I thought that looked awfully**  
5 **familiar.**  
6 Q. All right. Now, you said a little earlier  
7 that everybody knows that they can leave the meeting  
8 if they want to, if they don't want to hear the  
9 prayer, okay?  
10 **A. Uh-hum.**  
11 Q. I'm going to read the disclaimer and tell  
12 me if I read it about the way Mr. Bireley reads it.  
13 I'm going to read paragraph one and paragraph four.  
14 **A. Okay.**  
15 Q. "In order to solemnify its proceedings the  
16 Board of Education may choose to open its meetings  
17 with a prayer or moment of silence, all in accord  
18 with the freedom on conscience of the individual  
19 adult Board member. Such opportunity shall not be  
20 used or exploited to proselytize, advance or convert  
21 anyone, or to derogate or otherwise disparage any  
22 particular faith or belief, " Mrs. Bunting?  
23 **A. Uh-hum.**  
24 Q. Is that basically the way Mr. Bireley reads

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1 the disclaimer?  
2 **A. He doesn't usually read number three.**  
3 Q. I didn't read number three either. Oh, I'm  
4 sorry, I did. You were right, I was wrong. I'm  
5 going to try it again, okay?  
6 "In order to solemnify its proceedings, the  
7 Board of Education may choose to open its meetings  
8 with a prayer or moment of silence, all in accord  
9 with the freedom of conscience of the individual  
10 adult Board member. Such prayer is voluntary, and  
11 it is among only the adult members of the Board. No  
12 school employee, student in attendance, or member of  
13 the community in attendance shall be required to  
14 participate in any such prayer or moment of  
15 silence." And then he would call on one of the  
16 Board members, right?  
17 **A. Yeah, that's pretty much it.**  
18 Q. Okay. I will represent to you, Mrs.  
19 Bunting, that it took me 20 seconds to read that  
20 disclaimer?  
21 **A. Okay.**  
22 Q. Do you think that a member of the audience  
23 could get up and leave the auditorium in that 20  
24 second period before a Board member begins his

17 (Pages 62 to 65)



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1 prayer?  
2 **A. Could they get up and leave? They could**  
3 **get up and be on their way out, I don't know that**  
4 **they'd be all the way out.**  
5 Q. At what point in that disclaimer do you  
6 think that a person in attendance would understand  
7 that if they want to leave they had better leave, if  
8 they want not to hear the prayer they had better  
9 leave?  
10 **A. Whey they say open its meetings with a**  
11 **prayer.**  
12 Q. Okay. How do you think -- do you think it  
13 would take some courage for someone in response to  
14 the disclaimer to stand up and leave a Board meeting  
15 of the Indian River School District?  
16 **A. Courage is something that I don't know how**  
17 **to explain courage. Some of us older individuals**  
18 **seem to be able to do things that younger people**  
19 **wouldn't do, is that what you're saying?**  
20 Q. No.  
21 **A. I mean courage to stand up and leave, it**  
22 **wouldn't take me -- it wouldn't take much courage**  
23 **for me to stand up and leave if something were not**  
24 **going my way.**

1 **anything.**  
2 Q. Do you know whether Mrs. Dobrich received  
3 hundreds of anonymous phone calls?  
4 **A. No, sir, I have no knowledge of any of**  
5 **that.**  
6 Q. We've already been through the August 24th  
7 public comment?  
8 **A. Uh-huh.**  
9 Q. Do you know whether Mrs. Dobrich was  
10 harassed in any way?  
11 **A. The only time I saw Mrs. Dobrich was that**  
12 **evening because I think I missed the first time she**  
13 **came to the Board. I can't recall why I missed it,**  
14 **but I don't think I was there the first time she**  
15 **came to the Board. I was there the evening when all**  
16 **the other people showed up, and I saw Mrs. Dobrich**  
17 **one other time when I went to Wilmington when we**  
18 **were asked to come up.**  
19 Q. Yes, ma'am.  
20 **A. So they're the only two times that I know**  
21 **of that I saw Mrs. Dobrich. And I have -- no one**  
22 **told me that she had received phone calls or**  
23 **letters, so I have no knowledge of that.**  
24 Q. I'm going to represent to you that she did,

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1 Q. Do you think that a person who indicates  
2 his unwillingness to listen to a prayer to open the  
3 meetings might be fearful that he would be subject  
4 to intimidation or recriminations from the  
5 community?  
6 **A. I feel a person that felt that strongly**  
7 **about it that wanted to leave when that occurred**  
8 **would probably be the kind of person that no would**  
9 **not be fearful in getting up and leaving, if they**  
10 **had such conviction.**  
11 Q. Do you think Mrs. Dobrich is a person with  
12 such conviction?  
13 **A. I think Mrs. Dobrich is the type of person,**  
14 **from what I've seen, that she had the conviction to**  
15 **come and state her case and all. I think that she**  
16 **would be the type that yes would be willing to get**  
17 **up and leave and not listen to the prayer.**  
18 Q. And what is your understanding of the  
19 community's reaction to Mrs. Dobrich after she  
20 exercised the courage of her convictions?  
21 **A. What is my understanding of what the**  
22 **community did?**  
23 Q. Yes.  
24 **A. I don't know that the community did**

1 would that surprise you?  
2 **A. No, it wouldn't surprise me.**  
3 Q. Would you imagine that the community as a  
4 whole in the Indian River School District would be  
5 tolerant of someone, who exercising the courage of  
6 her convictions, walked out of the meeting in  
7 response to the disclaimer?  
8 **A. What would be their response?**  
9 Q. Yes.  
10 **A. I don't think they would be anymore upset**  
11 **at her walking out, than they would be at her**  
12 **talking to the Board, is that what you mean?**  
13 Q. That's helpful, but let me then ask the  
14 predicate question. Did you understand that there  
15 were significant elements of the community who were  
16 very upset at Mrs. Dobrich's comments to the Board?  
17 **A. Well, it was obvious at the meeting that**  
18 **there were -- that the people were there to -- our**  
19 **understanding, and we didn't know anything until**  
20 **maybe two or three days before our Board meeting,**  
21 **when hearsay had it that people were coming to the**  
22 **Board meeting.**  
23 **Did we know how many, no. I was on my way**  
24 **to the Board meeting when I heard a radio announcer**

18 (Pages 66 to 69)

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1 telling everyone where the meeting was. I had no  
2 idea of the number of people involved until I drove  
3 to the meeting. That was my first indication. I  
4 was surprised when I got there as I said that there  
5 were so many people, because we hardly ever have  
6 that many people at Board meetings.  
7 Q. You never have that many people Board  
8 meetings?  
9 A. I don't think we've ever had that many.  
10 So, and was the community upset, I think the  
11 community was upset. I've lived in this community a  
12 long time. This is not a group of vigilantes in  
13 this community. People are very nice people here,  
14 and -- well Mona had lived here her life, too --  
15 Q. Yes, ma'am?  
16 A. So, she knows that there were nice people  
17 in this community.  
18 Q. Do you know where she lives now?  
19 A. Yes, I've heard she lives in Philadelphia.  
20 Q. No.  
21 A. No.  
22 Q. Does she live in Sussex County?  
23 A. Oh, I know she doesn't live in Sussex  
24 County. I think her husband lives in Sussex County.

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1 Q. Do you know why Mrs. Dobrich no longer  
2 lives in Sussex County?  
3 A. We heard that she moved, I heard  
4 Philadelphia. We heard she moved to Philadelphia to  
5 put her son in a private school or something up in  
6 Philadelphia. That's what I heard.  
7 Q. Who did you hear that from?  
8 A. Hmm, I don't know, I don't know, hearsay.  
9 Q. If a person got up and walked out during the  
10 disclaimer how would they know when to come back in?  
11 A. Well, I think we have a Board agenda, don't  
12 we, that tells you what's next.  
13 Q. Sure. How would they know when the prayer  
14 was over?  
15 A. Well, I guess they could look through the  
16 door.  
17 Q. When you said in a response to an earlier  
18 question that you thought that maybe older people  
19 had a different view of courage than younger people,  
20 did you mean that it might be harder for a student  
21 to get up and walk out than it would be for an  
22 adult?  
23 A. No, I think kids are very brazen anymore.  
24 I don't think kids these days are afraid of too

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1 much. I'm thinking about like a young adult maybe,  
2 you know when you're a young adult you're not sure  
3 whether you're doing the right thing or whatever.  
4 Q. So, a person in that age category might be  
5 reluctant --  
6 A. I just know personally when I was a younger  
7 person, and especially as a school teacher, I was  
8 very well aware of how I was acting in public and  
9 what I was doing. That wouldn't make me, give a  
10 negative opinion of me.  
11 Now that I'm older, and I hope wiser, and I  
12 really am not so concerned about what other people  
13 think of me as I once did, that's what I mean.  
14 Q. So, when I asked the question earlier,  
15 maybe I didn't really phrase it correctly. When I  
16 said do you think it would take some courage to walk  
17 out of the meeting, in response to the disclaimer,  
18 let me ask a little bit different question. Do you  
19 think that people in the audience, the public, might  
20 be concerned about what the community would think of  
21 them if they got up and walked out of the meeting in  
22 response to the disclaimer?  
23 A. Again, that would be the person and like I  
24 said there are usually not that many people there to

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1 worry about anyway, you know? I don't know,  
2 personally if something bothered me I'd get up and  
3 leave, that's me. Whether someone else would feel  
4 that way, I don't know.  
5 Q. Let me explore the number of people at the  
6 meetings. The reports have been that at that August  
7 24th meeting there were 7 or 800 people?  
8 A. Uh-huh.  
9 Q. The crowd overflowed the room in which you  
10 and your colleagues were sitting?  
11 A. Uh-hum.  
12 Q. And there was an entire other room set  
13 up --  
14 A. Uh-hum.  
15 Q. -- with a video feed?  
16 A. Right.  
17 Q. And there were speakers set up in the  
18 parking lot, do you remember that?  
19 A. I didn't know there were speakers in the  
20 parking lot.  
21 Q. That's what we understand, I don't know.  
22 And as you said, that was not a typical meeting,  
23 correct?  
24 A. No.

19 (Pages 70 to 73)

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1 Q. On the other hand, particularly during the  
2 school year, there are, there is a significant  
3 number of people at School Board meetings, correct?  
4 **A. Uh-hum.**  
5 Q. Because you have members of the public who  
6 are interested in various issues that would be on  
7 the agenda, you have anywhere from a dozen to 50 or  
8 so students getting awards or recognition for some  
9 achievements during the school year, correct?  
10 **A. On occasion.**  
11 Q. Yes. When you say on occasion, pretty much  
12 every meeting during the school year you have  
13 students getting recognition, don't you?  
14 **A. Well, you have them like at the end of**  
15 **football season or maybe at the end of baseball**  
16 **season, you know, athletes coming in. A lot of**  
17 **times they are still in their athletic garb, you**  
18 **know and they are just running in to grab it or**  
19 **whatever.**  
20 **I wouldn't say every meeting, but probably**  
21 **more than half of them, maybe.**  
22 Q. It's not just limited to athl --  
23 **A. Guesstimate.**  
24 Q. But it's not just limited to athletes,

1 colors at every meeting during the school year?  
2 **A. Yes, they do.**  
3 Q. Don't they?  
4 **A. Uh-hum.**  
5 Q. And you also get performing groups,  
6 students who are bands of the steel band or chorus  
7 groups who occasionally perform for the Board?  
8 **A. I think the steel band performed because**  
9 **they wanted permission to go on their trip down in**  
10 **South America somewhere. They did perform for us,**  
11 **yes.**  
12 Q. So, to come back to my original question,  
13 clearly at a regular Board meeting has many fewer  
14 people than you had on August 24th, but can we agree  
15 that you routinely have ten, 20, 30, 40, 50 people  
16 other than yourselves at the Board meetings?  
17 **A. I would say more than half of the time we**  
18 **probably have between 20 and 50 people.**  
19 Q. Okay?  
20 **A. More than half of the time. Last meeting**  
21 **there was just us pretty much.**  
22 Q. And of those people that you just tried to  
23 estimate, would more than half of them be students  
24 on a typical basis?

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1 right?  
2 **A. Oh, no it's academic as well, but again the**  
3 **academic wouldn't be as much because they would be**  
4 **awarded maybe Odyssey of the Mind, that would be at**  
5 **the end of the year. We don't bring in kids just**  
6 **because they got As on their report cards or stuff**  
7 **like that. It's usually something major.**  
8 Q. I've read the minutes?  
9 **A. Uh-huh.**  
10 Q. And I've seen recognition being given to  
11 kids for being in the Fifth Grade Yell Club, I've  
12 seen recognition -- I can show you the minutes, if  
13 you like?  
14 **A. Fifth Grade Yell Club?**  
15 Q. Yes, ma'am?  
16 **A. Lately?**  
17 Q. Within the last five years?  
18 **A. Fifth Grade Yell Club, well did they win a**  
19 **competition?**  
20 Q. I don't know.  
21 **A. Well, they would have had to have won a**  
22 **competition.**  
23 Q. Okay. In addition to the awards that  
24 students get the JROTC, the Junior ROTC presents the

1 **A. No, it would be like you say when the**  
2 **students come it seems like they come, we have a lot**  
3 **of them at one time. It would be our supervisors,**  
4 **some of our secretaries, our people who there was a**  
5 **particular thing that they were interested in seeing**  
6 **that it got done and they were there to get support**  
7 **for whatever might be on the agenda for certain**  
8 **things and then they leave when their thing is over.**  
9 **They get up and out the door they go. So, there are**  
10 **people getting up and going out, coming back in all**  
11 **the time.**  
12 Q. But the prayer is offered at the opening of  
13 the meeting?  
14 **A. It's offered at the opening. I don't think**  
15 **it's right at very -- I'm not sure.**  
16 Q. Would you agree with me that students who  
17 are invited to the Board meetings feel as though  
18 they ought to attend if they can?  
19 **A. I think that if you consider it quite an**  
20 **honor, and you want to be honored in front of**  
21 **people, and you want people to see you receive your**  
22 **honor, then you would probably want to attend, but**  
23 **does it mean that they get it anyway, of course they**  
24 **do. They get their honor anyway.**

20 (Pages 74 to 77)



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1 **I think it works into their schedule. Like**  
2 **I said some of our sports people can't make it, or**  
3 **they just call out the names of people who are**  
4 **there.**  
5 Q. I'm sorry, but I think you told me off the  
6 record that you taught for 37 years?  
7 A. 39.  
8 Q. 39 years. In your experience with students  
9 most of them want to receive their awards in public,  
10 don't they?  
11 A. I don't know. I would assume they do, but  
12 you know, I don't -- kids these days it's hard to  
13 get them to show up for much of anything, unless  
14 it's playing ball.  
15 Q. That's kind of discouraging commentary.  
16 A. I know, and I don't mean to be like that,  
17 but I was just talking about it last night, as a  
18 school teacher when Easter vacation is over and they  
19 come back and they started Little League and now  
20 they start it in March, parents don't want them to  
21 have homework, parents don't want anything because  
22 everything is ball.  
23 So, it gets a little discouraging as a  
24 teacher when you try to award people for academics

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1 and that sort of thing. It seems like a lot of the  
2 kids just want to be rewarded for whatever sport  
3 they play, or whatever. That's just my personal  
4 opinion.  
5 Q. Yes, ma'am. In the stack in front of you  
6 is a document that has a sticker that says PX34.  
7 First page of that exhibit Mrs. Bunting is  
8 handwritten, it's Mr. Helms' handwriting?  
9 A. Okay.  
10 Q. And he testified that he faxed this package  
11 to Mr. Walls on September 2nd --  
12 A. Of this.  
13 Q. Do you see the fax line at the top, of  
14 2004?  
15 A. Okay.  
16 Q. And the next five pages is a document that  
17 Mr. Helms received from the Rutherford Institute,  
18 maybe through Mr. Neuberger as a representative of  
19 the Rutherford Institute, which Mr. Helms wanted to  
20 transmit to Mr. Walls as the president of the Board?  
21 A. Okay.  
22 Q. My first question to you is have you ever  
23 seen that five page attachment?  
24 A. No, sir.

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1 Q. So, it was never -- a copy of it was never  
2 given to you as a Board member?  
3 A. I'm not going to say it was never given to  
4 me, but if it was I don't recall it being given to  
5 me. I do not have a very good memory, and I don't  
6 say things, so I don't know. I'm going to say I  
7 just don't, I don't know if I've seen it or not, I  
8 could have.  
9 Q. Can we agree that you don't, as you sit  
10 here today, recall ever having seen it?  
11 A. As we sit here today I don't recall having  
12 seen it.  
13 Q. I told you earlier that Board Policy BDA.1  
14 had been drafted by someone other than the policy  
15 committee?  
16 A. Okay.  
17 Q. If you look at page four and five of the  
18 attachments, PX34, you'll see down at the bottom  
19 there is numbered paragraphs one, two, three, and at  
20 the top of the next page is paragraphs four and  
21 five?  
22 A. Yes, sir I see it.  
23 Q. I will represent to you that those  
24 paragraphs are essentially verbatim to the

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1 paragraphs of the Board Policy BDA.1?  
2 A. Uh-hum.  
3 Q. And that is among other reasons, the reason  
4 for my statement to you that the Board policy was  
5 drafted by someone other than the policy committee?  
6 A. Okay.  
7 Q. Because that document before you was  
8 prepared by the Rutherford Institute.  
9 A. Okay.  
10 Q. My question to you is, do you recall that  
11 anyone told you that the policy that was presented  
12 to you for approval had been drafted by the  
13 Rutherford Institute and remained unchanged by the  
14 policy committee?  
15 A. Again, when reports are brought to the full  
16 Board --  
17 Q. Yes, ma'am?  
18 A. We don't get every -- see, we have to  
19 report back at the regular Board meetings. Like  
20 Tuesday night I'll go and report back about the one  
21 I'm the chairperson of and what occurred. To my  
22 knowledge I don't recall any in-depth conversation  
23 about where the policy came from. But, somehow I  
24 had the idea that there had been some lawyer input

21 (Pages 78 to 81)

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1 **into the policy, so that we could be sure that we**  
2 **were not violating anything, okay?**  
3 Q. Yup.  
4 **A. In our attempt to do right.**  
5 Q. Yup. I'm going to ask you, or ask the  
6 court reporter to hand you Plaintiff's Exhibit 14  
7 and Plaintiff's Exhibit 13.  
8 We're going to start with 14, Mrs. Bunting.  
9 **A. Okay.**  
10 Q. You'll see that this document is a copy of  
11 the minutes, the agenda, and the roll call sheet of  
12 the Board's special meeting of August 23, 2004?  
13 **A. Okay.**  
14 Q. Do you see that?  
15 **A. Yup.**  
16 Q. And you'll see Mrs. Hobbs' signature is at  
17 the bottom of the second page indicating that those  
18 are the official minutes --  
19 **A. Uh-hum.**  
20 Q. -- is that correct?  
21 **A. Okay.**  
22 Q. When you say okay, is that correct?  
23 **A. That's correct.**  
24 Q. Yes, ma'am.

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1 **A. I see her name.**  
2 Q. This was a special meeting of the Board, do  
3 you recall why it was called?  
4 **A. Let me see what we say here. Okay, from**  
5 **our minutes it says to get advice from our legal**  
6 **counsel.**  
7 Q. And am I correct in thinking that the  
8 entire meeting was devoted to getting advice from  
9 your legal counsel?  
10 **A. I assume so, because it wasn't the entire**  
11 **meeting because here we have -- oh, I don't know, I**  
12 **don't know what 05-01 PL is.**  
13 Q. We've had testimony during this week that  
14 that is this litigation?  
15 **A. Oh, that's this?**  
16 Q. Yes.  
17 **A. Okay.**  
18 Q. It's actually potential litigation is what  
19 PL means?  
20 **A. Okay, potential litigation. Well, see, we**  
21 **have several in our district.**  
22 Q. I don't know that.  
23 **A. Okay, then that apparently is what it was**  
24 **about.**

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1 Q. Okay. Now, you see that the meeting was  
2 called to order at 7 o'clock and you went into  
3 executive session at 7:01?  
4 **A. Okay.**  
5 Q. Called to order at 7 and then halfway down  
6 you'll see 7:01 under executive session?  
7 **A. Okay.**  
8 Q. Am I correct in assuming that there was no  
9 prayer offered at this meeting?  
10 **A. If it's not on here, then no.**  
11 Q. And that's in part because the Indian River  
12 School District has a historical practice of not  
13 offering a prayer to open special meetings, is that  
14 correct?  
15 **A. I guess. I've never known it to be at a**  
16 **special meeting since I've been on.**  
17 Q. Since 2002, anyway?  
18 **A. Right.**  
19 Q. From your perspective as a Board member is  
20 there any distinction between a special meeting and  
21 a regular meeting that would explain why you offer  
22 prayers at the regular meeting but not offer prayers  
23 at the special meeting?  
24 **A. I can't say that the distinction is that**

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1 **it's not a regular meeting, number one that might be**  
2 **the distinction. Normally, not always, but normally**  
3 **at a special meeting we are not voting on things.**  
4 **Now, sometimes we do. It depends on if it's like**  
5 **were interviewing personnel. But normally at a**  
6 **special meeting we are getting recommendations as a**  
7 **committee, a lot of times, or whatever, to take to**  
8 **the regular Board meeting.**  
9 Q. That testimony is actually very helpful.  
10 While it is normally true that you don't take action  
11 at special meetings and will except --  
12 **A. Normally true.**  
13 Q. There are certainly special meetings where  
14 you do that action, isn't that right?  
15 **A. Well, there would be like hiring personnel.**  
16 Q. Sure. And in fact on these minutes of  
17 August 23 you'll see that no action was taken  
18 regarding number 05-01 PL, but I presume that that  
19 means that consideration was given to taking action  
20 and you decided not to take action at that time,  
21 correct?  
22 **A. We do consider things and get an idea of**  
23 **where we're going to go, but we don't actually vote.**  
24 Q. Would I be right in understanding that at

22 (Pages 82 to 85)

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1 special meetings, just as at regular meetings, it's  
2 your view that it would be helpful to have divine  
3 guidance to help you with the consideration of  
4 matters that come up at those meetings?  
5 **A. Would it be helpful to me?**  
6 Q. Yes, ma'am.  
7 **A. Personally?**  
8 Q. Yes, ma'am?  
9 **A. It possibly could.**  
10 Q. And when you have offered prayers at the  
11 regular Board meetings since the adoption of the  
12 policy, it's been your hope that you could -- you're  
13 asking for divine guidance for your deliberations  
14 during that meeting, aren't you?  
15 **A. I'm asking for divine guidance during that**  
16 **meeting, yes, sir, yes.**  
17 Q. For the matters that you're deliberating on  
18 and considering at that meeting?  
19 **A. Yes, sir.**  
20 Q. Yes, ma'am.  
21 **A. Uh-hum.**  
22 Q. Now, so, one possible distinction between  
23 special meetings and regular meetings that you've  
24 articulated is just definitional, one is a special

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1 meeting and one's a regular meeting?  
2 **A. Right.**  
3 Q. A second one is that you, although you take  
4 action at both kinds of meetings, you tend to make  
5 more action at the regular meetings than at the  
6 special meetings?  
7 **A. Well, we do take action at the regular**  
8 **meetings and most of the time we do not take action**  
9 **at the other meetings, most of the time.**  
10 Q. In both cases you get advice, deliberate  
11 and consider matters, is that correct?  
12 **A. Yes, we do in both, yes.**  
13 Q. Okay --  
14 **A. We deliberate and consider, yes, sir.**  
15 MR. ALLINGHAM: I'm going to  
16 change the tape now, we're going to take a  
17 break.  
18 **A. Okay.**  
19 MS. DUPHILY: We're going off the  
20 record at approximately 2:52 p.m..  
21 (WHEREUPON a brief recess was  
22 taken)  
23 MS. DUPHILY: Back on the record  
24 at approximately 2:59 p.m..

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1 Q. We looked at PX14 before the break, now I'd  
2 like to look at PX13. As we noted the special  
3 meeting of the Board of Education on August 23 was  
4 exclusively devoted to getting advice from your  
5 legal counsel regarding potential litigation. And  
6 you went into executive session one minute after you  
7 started the meeting, you came out of executive  
8 session four hours and 14 minutes later, and the  
9 meeting was adjourned one minute after you came out  
10 of executive session.  
11 **A. Wow.**  
12 Q. Which indicate at least some efficiency in  
13 moving through agenda items. I want to turn now to  
14 PX13 which is the minutes of the executive session,  
15 constituting all but two minutes of the actual  
16 meeting minutes, okay?  
17 **A. Okay.**  
18 Q. If you look at PX13 Mrs. Bunting you will  
19 see that there are two areas that are blank, and  
20 they have the word redacted on them?  
21 **A. Yes.**  
22 Q. That's a word that lawyers use to indicate  
23 that something has been masked out of the minutes,  
24 taken out of the minutes?

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1 **A. Okay.**  
2 Q. And your counsel did that before they  
3 produced these minutes to us. I don't know why for  
4 sure, but I expect that it's because they think that  
5 it represents attorney's advice. So, much of the  
6 minutes is not here, but there is one paragraph.  
7 Is there something that's of interest to you, ma'am?  
8 **A. I'm just looking at the one you mean**  
9 **regular session it was moved by Mr. Helms seconded**  
10 **by Dr. Isaacs, is that what you mean?**  
11 Q. No, ma'am at the bottom of the first page?  
12 **A. Oh, the bottom of the first page.**  
13 Q. Yes.  
14 **A. Oh, okay.**  
15 Q. There is a paragraph there that does  
16 reflect some of what the Board members discussed  
17 during the meeting, the executive session of the  
18 meeting, do you see that?  
19 **A. Yes.**  
20 Q. And where it says during the discussion of  
21 this issue --  
22 **A. Okay.**  
23 Q. -- do you recall that the issue that was  
24 being discussed was School Board prayer?

23 (Pages 86 to 89)



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1 **A. Sir, I don't. I tell you, I've got a**  
2 **terrible memory. I assume it was, if that's what PL**  
3 **05-01 means.**  
4 Q. Let me see if I can help you out?  
5 **A. All right.**  
6 Q. If you keep looking in that sentence, it  
7 says, "During the discussion of this issue several  
8 Board members expressed that there constituents do  
9 not want the Board to change its practice of opening  
10 the meetings with a prayer?"  
11 **A. So that must have been what we were**  
12 **discussing, huh?**  
13 Q. Yes.  
14 **A. Can we agree about that, that at least**  
15 **what's what the minutes appear to indicate?**  
16 **A. That's what it assumes, uh-um.**  
17 Q. And then it says, "It was not felt that a  
18 decision could be made this evening regarding  
19 whether or not to change our past practice." Do you  
20 have any recollection of why after four hours and 14  
21 minutes of discussion the Board felt that it could  
22 not make a decision regarding whether or not to  
23 change its past practice?  
24 **A. We are there late a lot of nights. There**

1 **could tell you --**  
2 Q. Oh, no, I was just -- let me just start  
3 with what you told me. You have no doubt I take it  
4 from the minutes --  
5 **A. No, I have no doubt that it occurred.**  
6 Q. Okay. Now, my next question is do you have  
7 a recollection that, whether it was on August 23 or  
8 not, don't worry about that, do you have a  
9 recollection of an executive session that went for  
10 four hours on a single topic, that is School board  
11 prayer with Mr. Griffin present?  
12 **A. Well, I see that it did go for four hours.**  
13 **Is it unusual for something to go for four hours**  
14 **with us, no, sir.**  
15 Q. Do you have an independent recollection  
16 that you all had a four hour executive session with  
17 Mr. Griffin on the School Board prayer issue?  
18 **A. I wouldn't have known it if you hadn't**  
19 **shown me these papers.**  
20 Q. Okay. The regular minutes show that you  
21 were going into executive session to get advice of  
22 counsel on this issue?  
23 **A. Okay.**  
24 Q. Do you remember whether the Board asked

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1 **are ten people with a lot of differing ideas, okay.**  
2 **I'm not sure which meeting this was. Was this the**  
3 **meeting -- I don't know if this was the meeting --**  
4 **it says James Griffin was there.**  
5 Q. Yes, Mr. Griffin was at this meeting.  
6 **A. Okay.**  
7 MR. SHAW: Mr. Griffin was at that  
8 meeting, I just caution my client not to  
9 discuss what was said at the meeting as  
10 it's protected by the attorney/client  
11 privilege?  
12 **A. Oh, okay.**  
13 MR. ALLINGHAM: Well, I suggest  
14 that we have questions and answers because  
15 many questions about that meeting would not  
16 infringe on the attorney/client privilege.  
17 Q. But, it would be worthwhile to establish,  
18 do you recall a lengthy executive session meeting on  
19 the issue of School Board prayer at which  
20 Mr. Griffin was present?  
21 **A. Do I recall it?**  
22 Q. Yes.  
23 **A. I see it's here in front of me, so it**  
24 **occurred. Do I remember that specific night and**

1 Mr. Griffin to draft a School Board Prayer Policy?  
2 MR. SHAW: I'm going to  
3 object to attorney/client privilege. If  
4 the Board asked Mr. Griffin that's covered  
5 by the privilege.  
6 Q. Do you remember whether the Board asked  
7 Mr. Griffin what the weather was like?  
8 **A. No, I don't remember what was asked of**  
9 **Mr. Griffin that evening.**  
10 Q. The Board Prayer Policy, the process of  
11 generating Board policies, I'm going to ask, this is  
12 the general process, is it typical that the Board  
13 would decide to refer a matter to the policy  
14 committee. The policy committee would consult with  
15 the Board's attorney, and then the policy committee  
16 and the Board's attorney typically would draft a  
17 policy for presentation to the full Board?  
18 **A. Never having attended a policy meeting I**  
19 **can't say what their process is.**  
20 Q. Fair enough. Do you know whether or not  
21 Mr. Griffin ever drafted a draft School Board Prayer  
22 Policy?  
23 **A. I have no idea.**  
24 Q. The policy that you adopted is a policy

24 (Pages 90 to 93)

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1 that is described on its face as, sorry, ma'am, it's  
2 titled Board Prayer at Regular Board Meetings. It's  
3 quite specific that it's a policy having to do with  
4 regular Board meetings. Did anyone give any  
5 consideration at the Board level to having a policy  
6 that extended to special Board meetings?  
7 **A. Not to my knowledge because I don't think**  
8 **we had ever had prayer at special Board meetings, so**  
9 **that wasn't even a consideration at this time.**  
10 Q. Did you understand the -- there was no  
11 litigation at the time of the adoption,  
12 consideration and adoption of this policy, the  
13 litigation was not filed until 2005?  
14 **A. Okay.**  
15 Q. So, did you understand that the question  
16 that had been raised about prayer at Board meetings  
17 was limited to regular Board meetings or did you  
18 understand that it extended to all Board meetings?  
19 **A. I understood that it was about regular**  
20 **Board meetings.**  
21 Q. And from where did you get that  
22 understanding?  
23 **A. I got the understanding, I don't think I**  
24 **was present, there was the graduation at which Mona**

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1 **Dobrich first talked about her complaint. I don't**  
2 **recall having been to the first Board meeting after**  
3 **that, and when I found out what was going on it was**  
4 **my understanding that Mona Dobrich came to the June**  
5 **Board meeting to complain about prayer at**  
6 **graduation, and then found out that there was prayer**  
7 **at the regular Board meeting.**  
8 **So, it was my understanding that we would**  
9 **draft policy to try to take care of the situation,**  
10 **and I think most things that we tried to do were in**  
11 **hopes of not being sued.**  
12 Q. This is sort of, maybe an unusual question,  
13 but do you feel as a Board member that your rights  
14 regarding the free exercise of your religion are  
15 infringed by not having a policy on special meeting  
16 Board prayer?  
17 **A. No, I don't think my rights are violated by**  
18 **not having a policy, is that what you mean?**  
19 Q. Yes, exactly. The other sentence of the  
20 limited portion of the executive session minutes,  
21 which is Plaintiff's Exhibit 13 that I have reports  
22 that, "Several Board members expressed that their  
23 constituents do not want the Board to change its  
24 practice of opening the meetings with a prayer." Do

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1 you remember which Board members expressed that  
2 view?  
3 **A. I know I was one of them.**  
4 Q. Do you remember the others?  
5 **A. And I'm not saying that I expressed that**  
6 **view that evening. I know that over this entire**  
7 **thing I have been bombarded with constituents, and I**  
8 **have expressed that numerous times --**  
9 Q. Okay.  
10 **A. -- not necessarily just at this one time.**  
11 Q. And when say that you've been bombarded  
12 with communications from constituents, give me a  
13 ballpark number 50, 100, 1000?  
14 **A. In the hundreds. I'm not saying phone**  
15 **calls and emails and letters. I know everyone in**  
16 **this -- well, I know a lot of the people in this**  
17 **community, and we go to restaurants in this**  
18 **community, we go grocery shopping, we're at ball**  
19 **games with our grandchildren and people come up to**  
20 **me all the time. I know for a fact that five people**  
21 **this week have come up to me, one lady that I had**  
22 **called on the phone about something, so these people**  
23 **have expressed this to us.**  
24 Q. What are they expressing?

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1 **A. They want us to stand firm, they want us to**  
2 **take a stand for what we feel is right and they are**  
3 **behind us and they support us.**  
4 Q. Does anybody articulate what it is that you  
5 are suppose to be standing firm for?  
6 **A. We are standing firm for being able to have**  
7 **the right to say a prayer at the regular Board**  
8 **meeting aloud.**  
9 Q. And it's a fine distinction, but your  
10 answer is couched in terms of what you are standing  
11 firm for, and what I was trying to ask was, did  
12 anybody who's called you or bumped into you on the  
13 street or whatever, have they articulated to you  
14 what they think you're suppose to be standing up  
15 for?  
16 **A. Yes.**  
17 Q. And have some of them articulated that they  
18 want you to stand firm for School Board prayer?  
19 **A. Yes.**  
20 Q. Are have some of them articulated to you  
21 that they want you to stand firm for prayer in the  
22 schools?  
23 **A. No, sir because they understand that that's**  
24 **already been -- there's already been a decision**

25 (Pages 94 to 97)

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1 about that.

2 Q. It appeared that a number of the  
3 constituents at the August 24th meeting didn't  
4 understand that?

5 A. True, but it's been two years now and  
6 people by reading the paper and all I think most  
7 people now are aware of what the situation truly is.

8 Q. Okay. Have you received any comments that  
9 a constituent of yours thought that the policy  
10 should be revised?

11 A. No, sir.

12 Q. So, the comments that you've received from  
13 your constituents have been unanimous?

14 A. Yes, sir.

15 Q. And that's important to you, isn't it?

16 A. Well, it's important to me because I  
17 represent these people and they elected me to make  
18 decisions at the Board level on their behalf, and I  
19 represent my people.

20 Q. Do you know how many residents there are in  
21 your district? Which is your district,  
22 Mrs. Bunting?

23 A. I'm district three. I have part of  
24 Dagsboro, all of Millsboro, down toward the Long

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1 Neck area. I feel like I have a foot, I don't know  
2 if you are familiar with our district, but we are  
3 sort of north and south, I have a foot in the north  
4 and also in the south.

5 Q. That's the second time you've sort of  
6 talked about the north and the south of the  
7 district, is there, or has been in the past a divide  
8 between the north and the south?

9 A. Very much so.

10 Q. Tell me what mean by that?

11 A. We were put together as a district in 1969  
12 by the courts, and there are some people who are  
13 still upset that it was such a large district put  
14 together, and we have to have two high schools  
15 because it's such a large district, and our high  
16 schools play sports against each other, which isn't  
17 real good, so we are our own arch enemies.

18 So, therefore as a Board when we have to  
19 decide about which time gets new uniforms, which  
20 team gets turf on their football, see what I mean?  
21 So, being on this School Board I was warned could be  
22 tough because of a north south split sometimes on  
23 decisions.

24 Q. And I guess particularly tough for you

1 because your district is sort of part north and part  
2 south?

3 A. Yes, but I taught in this district and I  
4 don't see a north and south, I see one district.

5 Q. In terms of the members, the current  
6 members of the Board, which are from the northern  
7 half and which are from the southern half?

8 A. The present members?

9 Q. Yes, ma'am.

10 A. Okay, I'll start with the southern half.  
11 That would be Charlie Bireley, Reggie Helms, Donna  
12 Mitchell, Donald Hattier.

13 Q. And the rest are from the north?

14 A. There are the two of us straddle, and that  
15 would be Randy Hughes and myself. We are the  
16 straddlers. And then the rest are from the  
17 northern.

18 Q. In the course of those hundred or hundreds  
19 of comments from your constituents has anyone said  
20 to you that you should stand firm for Christian  
21 values?

22 A. No.

23 Q. Not one?

24 A. No. Not Christian values. That's never

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1 been the terminology used. I will say it's fight  
2 the ACLU. And it's been we've always had prayer,  
3 why can't we have prayer, we should have prayer,  
4 it's our right to have prayer, but stand firm for  
5 Christian values I don't think that terminology has  
6 ever been used, not with me.

7 Q. You mentioned that your constituents  
8 generally speaking have told you that you should  
9 stand firm for prayer at regular Board meetings?

10 A. Uh-hum.

11 Q. And do they draw that distinction between  
12 regular Board meetings and special Board meetings?

13 A. No.

14 Q. So, they said stand firm for Board prayer?

15 A. For Board meetings, for praying at the  
16 Board meetings.

17 Q. And what do you say to your constituents  
18 when they say that?

19 A. When I say that I say that we are -- what  
20 can we do, we are listening to our lawyers, we are  
21 doing what we need to do, and if the case goes to  
22 court, you know, the judge will decide. See we  
23 have, we can't talk about this as you well know, so  
24 we have to be extremely careful what we say.

26 (Pages 98 to 101)



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1 Q. I apologize, but I don't know what do you  
2 mean when you say you can't talk about this?  
3 **A. We've been told to be very careful what we**  
4 **say in public, okay?**  
5 Q. By your lawyer?  
6 **A. By our lawyers.**  
7 Q. Nevertheless, from time to time members of  
8 the Board have given statements or interviews to the  
9 press, is that correct?  
10 **A. True.**  
11 Q. And members of the Board have gone on the  
12 local radio station?  
13 **A. Yes, sir.**  
14 Q. In your view are those actions consistent  
15 with the admonition from your lawyers that you  
16 should be very, very careful about what you say?  
17 **A. They were happening before we got, before**  
18 **we were told to be extremely careful. We didn't**  
19 **have good representation in the beginning.**  
20 Q. And that situation's been corrected now?  
21 **A. Yes, sir.**  
22 Q. So, in the comments from your constituents  
23 that have been unanimous that you should stand firm  
24 for School Board prayer?

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1 **A. (Nods head).**  
2 Q. No one has told you that you should stand  
3 firm for Christian values?  
4 **A. I'm not going to say the words Christian**  
5 **values have never been mentioned, but to my**  
6 **knowledge no one has called it Christian values.**  
7 **They know that the situation is prayer at Board**  
8 **meetings and they usually are the words they use.**  
9 **Prayer, Board meetings.**  
10 Q. Well, the litigation is, of course about  
11 more than just prayer at Board meetings, correct?  
12 **A. Well, they don't know that.**  
13 Q. Have you ever received hundreds of comments  
14 about any other issue that has faced the Board from  
15 your constituents?  
16 **A. No, sir.**  
17 Q. Have you ever received even a fraction of  
18 that many comments on any other issue?  
19 **A. Not even a fraction. The closest I ever**  
20 **came to was when we were going to, our calendar**  
21 **situation, a calendar situation, where we wanted to**  
22 **shorten the Easter break and make it just Friday and**  
23 **Monday because we didn't have air conditioning in**  
24 **all the schools yet and, you know, and the parents**

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1 **got really upset because they felt the children**  
2 **needed a break after the state test. And I did get**  
3 **many phone calls about that, but nothing, nothing**  
4 **compared to this.**  
5 Q. Would it be fair to say that this is the  
6 issue in which your constituents have been most  
7 intensely interested over the entire tenure, over  
8 your entire tenure on the Board?  
9 **A. Well, certainly the last several years of**  
10 **my tenure. Not so at the very beginning between '02**  
11 **and '04.**  
12 Q. Yes, the interest has been very intense  
13 since '04?  
14 **A. Since '04.**  
15 Q. And the intensity of that interest is the  
16 greatest of any issue that's ever been presented to  
17 the Board –  
18 **A. Yes.**  
19 Q. – during your tenure?  
20 **A. Yes, in my knowledge, as far as I'm**  
21 **concerned.**  
22 Q. Do you know who the Does are?  
23 **A. No, sir.**  
24 Q. Has anybody ever told you they think they

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1 know who the Does are?  
2 **A. Someone has told me they think they know**  
3 **who the Does are.**  
4 Q. Who was with a that person?  
5 **A. He didn't tell me, I asked him, Don**  
6 **Hattier, thought he knew who the Does were.**  
7 Q. You asked Dr. Hattier if he knew who the  
8 Does were?  
9 **A. I didn't ask him if he knew who the Does**  
10 **were, but we were at something and I said to him do**  
11 **you know who they are, and he said he thought he**  
12 **did.**  
13 Q. Did he tell you who he thought they were?  
14 **A. No, sir.**  
15 Q. Did you ask him to tell you?  
16 **A. No, sir.**  
17 Q. Why did you ask him if he knew who they  
18 were?  
19 **A. Because that had been going on so long and**  
20 **that really had stuck in my craw. I'm not a lawyer**  
21 **and I don't know what my, what I have the right to**  
22 **know, but it really upset me that someone was suing**  
23 **me and I didn't know who it was. That bothered me**  
24 **personally.**

27 (Pages 102 to 105)

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1 Q. Did you think in light of what you saw at  
2 the August 24th meeting that it would be  
3 unreasonable for a parent to fear recrimination  
4 against his or her children for trying to stand up  
5 to the Board and the community?  
6 **A. Personally, no. I'm a teacher. I would**  
7 **never hold it against the child for anything that**  
8 **their parents did, and I don't say that in others.**  
9 Q. Have you ever seen children behave in a  
10 mean fashion based on --  
11 **A. Have I ever seen children behave in a mean**  
12 **fashion?**  
13 Q. Yes, based on a perception that someone is  
14 different from the rest of the community?  
15 **A. From the rest of the community, well, you**  
16 **know how kids are I have seen --**  
17 Q. I do know how kids are.  
18 **A. I have seen children tease other children**  
19 **not about religion, if that's what you're asking,**  
20 **because I taught little kids third and fifth. I've**  
21 **seen kids tease other kids about their clothes or**  
22 **their hairstyle, or something like that, sure. But**  
23 **it stopped when I got in on it.**  
24 Q. You never in your 37 years heard anyone

1 behavior?  
2 **A. Of course.**  
3 Q. Would knowledge of such behavior by  
4 children in the district reasonably give a parent  
5 concern that his or her children would be subjected  
6 to the same treatment?  
7 **A. Okay, you're referring to the Does now?**  
8 Q. Yes, ma'am.  
9 **A. That they would be afraid to come out for**  
10 **the fear that their children would get the same**  
11 **treatment that you're saying the Dobrich child got?**  
12 Q. Yes, ma'am.  
13 **A. Would I feel that the parents would feel**  
14 **that there was the possibility?**  
15 Q. Yes, ma'am.  
16 **A. From other children?**  
17 Q. Yes, ma'am.  
18 **A. I'm sure they would from other children.**  
19 **I'm saying from me as a teacher or a Board member**  
20 **absolutely not.**  
21 Q. Back to the Board policy for a minute.  
22 Paragraph five of the Board policy?  
23 **A. Okay.**  
24 Q. It reads, "Any such prayers," these are the

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1 insult or use an ethnic slur based on someone's  
2 religion?  
3 **A. Religion?**  
4 Q. Yes.  
5 **A. From a child?**  
6 Q. Yes.  
7 **A. To my knowledge no. To my knowledge.**  
8 Q. You asked me whether I was limiting my  
9 questions to insults based on religion, have you  
10 heard ethnic slurs based on race?  
11 **A. With children?**  
12 Q. Yes.  
13 **A. Yes, sir.**  
14 Q. And you corrected those when you heard  
15 them?  
16 **A. Absolutely.**  
17 Q. Are you aware of the allegations in the  
18 Complaint that Alex Dobrich was repeatedly called  
19 Jew boy by students in his class?  
20 **A. I have heard that that did occur.**  
21 Q. If that occurred in your class you would  
22 have stopped it right away?  
23 **A. Absolutely.**  
24 Q. Because that's really inappropriate

1 prayers that would be offered by the board  
2 members --  
3 **A. Uh-hum.**  
4 Q. -- "Any such prayers may be sectarian or  
5 non-sectarian, denominational or non-denominational,  
6 in the same of a Supreme Being, Jehovah, Jesus  
7 Christ, Buddha, Allah, or any other person or  
8 entity, all in accord with the freedom of  
9 conscience, speech and religion of the individual  
10 Board member and his or her particular religious  
11 heritage." You approved that language?  
12 **A. Yes.**  
13 Q. Would you describe for me the difference  
14 between a sectarian prayer and a non-sectarian  
15 prayer?  
16 **A. Again, my belief, I could not give what I**  
17 **would call a non-sectarian prayer, because I would**  
18 **have to mention Jesus Christ in my prayer, and I**  
19 **would consider that a sectarian prayer. So, if I**  
20 **gave a prayer it would have to be sectarian and not**  
21 **non-sectarian.**  
22 Q. The mention of Jesus Christ in a prayer,  
23 and that making it sectarian, is that because the  
24 prayer would refer to a particular Deity of the

28 (Pages 106 to 109)

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1 particular sect?  
2 **A. Yes. In my religion you get to the Father**  
3 **through the Son, and to deny the Son is not a**  
4 **prayer.**  
5 Q. Just so that I understand, and so  
6 delivering any prayer that does not mention Jesus  
7 Christ would be to deny Jesus Christ?  
8 **A. For me to, for me to give that prayer.**  
9 Q. Yes, ma'am.  
10 **A. That's a personal, my religion.**  
11 Q. Yes, ma'am. And what is your religion?  
12 **A. Methodist.**  
13 Q. Are you a church goer?  
14 **A. No, I'm not.**  
15 Q. I take it at some point you were a church  
16 goer?  
17 **A. I was raised in the church as a child.**  
18 Q. As a Methodist?  
19 **A. As a Methodist.**  
20 Q. And that's where you formed the belief that  
21 you just articulated?  
22 **A. I have a personal bond, and I do attend**  
23 **certain things, like I'm in a group where we study**  
24 **books on self-help and that type of thing, and we**

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1 **relate them back to scripture and stuff like that.**  
2 **And -- but I'm just -- I believe that when I pray I**  
3 **have to give credit to Jesus.**  
4 Q. You touched on this earlier, but it is also  
5 your view, isn't it, that it does not matter to the  
6 Lord how you seek his guidance. It can be out loud  
7 it can be silently, it can be using a traditional  
8 prayer it could be using your own words, it could be  
9 on your knees or standing up. Any way God will hear  
10 our prayers no matter how they are delivered?  
11 **A. My God says pray without ceasing.**  
12 Q. And what does that mean to you?  
13 **A. That means to me to pray everywhere, any**  
14 **time, all the time, whether privately or publicly,**  
15 **to pray without ceasing.**  
16 Q. And your understanding of that admonition  
17 is that your life should be an example of the  
18 principles of your faith. It's not possible  
19 obviously to pray without ceasing?  
20 **A. It's not possible.**  
21 Q. Literally?  
22 **A. Literally, no, sir.**  
23 Q. On the other hand, that admonition is an  
24 example that God hears us no matter how we appeal to

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1 him?  
2 **A. True.**  
3 Q. At two of the Board meetings since October  
4 19, 2004 when the policy was adopted you have  
5 offered a moment of silence rather than a prayer?  
6 **A. I offered one moment of silence.**  
7 Q. I'm sorry. One moment of silence?  
8 **A. Uh-hum.**  
9 Q. Could you tell me how you made the decision  
10 to offer a moment of silence at that meeting and  
11 then at subsequent meetings to offer prayers?  
12 **A. Very simple thing. The moment of silence,**  
13 **apparently the person who had been asked to give the**  
14 **prayer that night, and I don't recall what the**  
15 **reason was, either they were sick and weren't able**  
16 **to get there or they were going to be late or**  
17 **whatever, I didn't find out until I got there that**  
18 **someone needed to give the prayer and could I do it,**  
19 **and I said sure. I cannot stand up and give a**  
20 **prayer like Reggie or someone else can do, I need to**  
21 **write mine down. I didn't have time to write it**  
22 **down, so I chose to do the moment of silence.**  
23 Q. When you did that, did you feel that the  
24 moment of silence was effective to solemnify that

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1 Board meeting?  
2 **A. No, sir, I did not.**  
3 Q. When -- to broaden the question, if any  
4 other Board member offered a moment of silence would  
5 you believe that the moment of silence is not  
6 effective to solemnify the proceedings?  
7 **A. That would be their choice and I'm okay**  
8 **with what other people give. Whatever prayer**  
9 **someone else gives or how they give it's their**  
10 **personal -- it's a personal thing with each one of**  
11 **us, and if that's the way they chose it then that's**  
12 **fine with me.**  
13 Q. But as I understand the policy, the purpose  
14 of the prayer or moment of silence is to solemnify  
15 the proceedings, correct?  
16 **A. Right.**  
17 Q. If you believe that a moment of silence is  
18 not effective to solemnify --  
19 **A. It's not to me.**  
20 Q. You have to let me finish my question?  
21 **A. Okay, sorry.**  
22 Q. If you believe that a moment of silence is  
23 not effective to solemnify the proceedings, why did  
24 you vote to approve this policy?

29 (Pages 110 to 113)



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1 **A. Because as I said it's among the ten of us.**  
2 **It's not just my policy, it's ten people's policy,**  
3 **it's the community's policy. Therefore, each person**  
4 **has their own personal feelings about the whole**  
5 **thing. How do I feel about it personally, I feel it**  
6 **should be done out loud. Do I respect someone**  
7 **else's feelings of how it should be done, yes. I**  
8 **respect their prayer whatever kind of prayer it is**  
9 **because I respect other people and their right to**  
10 **say and do what they think is right.**  
11 Q. In their capacity as individuals or in  
12 their capacity as Board members?  
13 **A. Well, I guess as Board members that evening**  
14 **at our regular meeting.**  
15 Q. Do you draw any distinction at all in your  
16 mind between your rights in your capacity as a Board  
17 member and your rights in your capacity as an  
18 individual citizen?  
19 **A. Do I see any difference?**  
20 Q. Yes.  
21 **A. As far as Board prayer is concerned?**  
22 Q. You can start there, yes.  
23 **A. I think I have the right to pray aloud or**  
24 **silently in my regular life, and I have a right to**

1 Q. I'm going to give you an example of a  
2 prayer?  
3 **A. Okay.**  
4 Q. And the prayer would be, Lord, we ask that  
5 you open the hearts of the heathen among us, that  
6 they may join the community of your church?  
7 **A. Would I give that prayer?**  
8 Q. Nope, that's not my question. My first  
9 question is, as you understand the rights of U.S.  
10 Citizens, do U.S. Citizens have the right to offer  
11 that prayer?  
12 **A. They have the right to offer that prayer.**  
13 Q. As you understand the rights of school  
14 teachers in class, do teachers have the right to  
15 offer that prayer in class?  
16 **A. No, they do not have the right to offer**  
17 **that prayer.**  
18 Q. As you understand the rights of School  
19 Board members, as School Board members, do they have  
20 the right to offer that prayer at a School Board  
21 meeting?  
22 **A. The one with the heathens among us?**  
23 Q. Yes.  
24 **A. No, they do not have the right to offer**

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1 **pray aloud or silently as so I choose at a Board**  
2 **meeting.**  
3 Q. Okay. You believe you have the right to  
4 pray to convert someone --  
5 **A. No, sir.**  
6 Q. Just a minute, let me finish my question?  
7 **A. Sorry.**  
8 Q. As an individual citizen, isn't that  
9 correct?  
10 **A. As an individual citizen?**  
11 Q. Yes, ma'am.  
12 **A. Do I feel I have a right to pray to convert**  
13 **someone?**  
14 Q. Yes, ma'am.  
15 **A. Personally, privately I would pray to**  
16 **convert someone, but would I go to that person and**  
17 **like pray over them to convert them, is that what**  
18 **you mean?**  
19 Q. No. I'm just asking what you have the  
20 right to do as you understand it?  
21 **A. Okay. Do I have the right to try to**  
22 **convert someone else?**  
23 Q. Yes.  
24 **A. No, sir, that's not my right.**

1 **that prayer.**  
2 Q. Is that because as School Board members,  
3 the School Board members are government officials?  
4 **A. I feel School Board members are government**  
5 **officials.**  
6 Q. And is that the distinction between their  
7 right to offer such a prayer as individuals, and the  
8 fact that they don't have such a right to offer such  
9 a prayer as School Board members, that they're  
10 government officials?  
11 **A. The one with the heathens among us?**  
12 Q. Yes, ma'am.  
13 **A. I think that violates our number three.**  
14 **That's why I wouldn't expect anyone to say something**  
15 **like that. I don't think it would have anything to**  
16 **do with whether we were an individual or a**  
17 **government official.**  
18 Q. All right, in the absence of your policy?  
19 **A. Okay, in the absence of our policy --**  
20 Q. Before you passed the policy on October 19,  
21 2004, is it your understanding that Indian River  
22 School Board members could have offered the prayer  
23 that I gave you, please Lord, convert the heathen  
24 among us?

30 (Pages 114 to 117)

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1 **A. They wouldn't have.**  
2 Q. Could they have?  
3 **A. Well, I guess they possibly could have, but**  
4 **again they wouldn't have.**  
5 Q. Over the course of the -- over the course  
6 of this litigation, have you ever had occasion to  
7 read the First Amendment of the Constitution?  
8 **A. No. Like I said, I can read something and**  
9 **forget it tomorrow.**  
10 Q. You understand that the right to free  
11 exercise of religion is found in the First Amendment  
12 of our Constitution?  
13 **A. I think that we read the First Amendment**  
14 **aloud to the children on the first day of school**  
15 **every year, is that what we would have read?**  
16 Q. Don't know.  
17 **A. I think so.**  
18 Q. In all events, you do understand that the  
19 First Amendment is where freedom of religion is  
20 found?  
21 **A. Yes, I guess, you're reminding me of it.**  
22 Q. Do you also understand that the First  
23 Amendment has language prohibiting the establishment  
24 of religion by the government?

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1 **A. Yes, establishing of religion by the**  
2 **government.**  
3 Q. And do you understand that the laws which  
4 prohibit teachers, for example, from opening their  
5 classes with a prayer, are based on that so called  
6 establishment clause?  
7 MR. SHAW: I'm going to object to  
8 your question. She is not an attorney and  
9 doesn't have any knowledge of what the laws  
10 are based upon.  
11 MR. ALLINGHAM: I don't think that  
12 Jarrod is instructing you not to answer.  
13 MR. SHAW: If you have some sort  
14 of knowledge outside of a legal analysis to  
15 base you answer upon, that's fine.  
16 **A. I have no knowledge of. I even forgot what**  
17 **was in the First Amendment.**  
18 Q. Do you recall who proposed that a moment of  
19 silence be included in the options in the School  
20 Board Prayer Policy?  
21 **A. No, I don't.**  
22 Q. We're coming to the end, Mrs. Bunting.  
23 It's good when you don't even have to ask a question  
24 and someone hands you what you need. Have you --

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1 did you do anything to prepare for this deposition?  
2 **A. Did I do anything?**  
3 Q. Yes, ma'am.  
4 **A. Obviously I should have, but no.**  
5 Q. Did meet with your attorneys?  
6 **A. Oh, they met with us, what last week one**  
7 **day last week.**  
8 MR. SHAW: I can't answer  
9 questions.  
10 **A. Oh, you are not allowed to answer**  
11 **questions. It was one day last week I met with two**  
12 **other people just to, we had never done anything**  
13 **like this before, to let us know a few things.**  
14 Q. Did -- who were the other two people  
15 present during that meeting?  
16 **A. I was in with Janet Hern and Donna**  
17 **Mitchell.**  
18 Q. Did you look at any documents during that  
19 meeting?  
20 MR. SHAW: I'm going to object to  
21 what actually occurred at that meeting as  
22 protected by attorney/client privilege.  
23 MR. ALLINGHAM: Incorrect.  
24 Q. Did you look at any documents during that

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1 meeting?  
2 MR. SHAW: I'm going to instruct  
3 her not to answer that question?  
4 **A. Okay.**  
5 MR. ALLINGHAM: Oh, Jarrod, come  
6 on, you know perfectly well I can ask if  
7 documents were looked at, I can ask if  
8 those documents refreshed her recollection  
9 and if they did I'm entitled to them. You  
10 know that.  
11 MR. SHAW: I will instruct the  
12 witness to answer as to specifically what  
13 documents she looked at and whether or not  
14 they did refresh her recollection.  
15 MR. ALLINGHAM: Why don't you let  
16 me ask a new question and you can do what  
17 you want to do.  
18 Q. Did you look at any documents during the  
19 meeting?  
20 MR. SHAW: You can answer that.  
21 **A. I can answer that? No, no documents.**  
22 Q. Okay, that's all I needed to know.  
23 **A. Okay.**  
24 Q. Other than your attorneys and the two

31 (Pages 118 to 121)

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1 persons that you identified, have you talked to  
2 anybody else about the fact that you were going to  
3 give a deposition?  
4 **A. My husband knows I was coming to give a**  
5 **deposition, my daughter knows because I had to**  
6 **cancel my dental appointment, she's my dentist.**  
7 Q. Oh, well then you've got an in to get it  
8 rescheduled.  
9 **A. And last night on my way, I rode with**  
10 **Charlie Bireley and he knew that I had to come some**  
11 **time today.**  
12 Q. Did you -- that was riding to the meeting?  
13 **A. Riding to the meeting.**  
14 Q. Is that in Dover?  
15 **A. Dover.**  
16 Q. Did you discuss with Mr. Bireley what had  
17 been asked in his deposition?  
18 **A. We just asked him what types of questions,**  
19 **you know.**  
20 Q. What did he tell you?  
21 **A. Were they personal. He said people were**  
22 **getting all kinds of different questions. That he**  
23 **was asked mostly about his -- yeah, when he ran for**  
24 **the School Board, that's what he was asked mostly**

1 Q. I have one question I've asked every  
2 Board member is, which I asked you, is what is your  
3 religious denomination, and do you attend church.  
4 You are not the first person who's told me that you  
5 don't attend church, but I have a follow-up  
6 question. Is there a particular reason why you  
7 don't attend church? You're obviously a religious  
8 woman.  
9 **A. Yes, I'm a religious woman. To me religion**  
10 **is personal. One of the reasons I don't attend**  
11 **church is I have severe asthma and allergies and I**  
12 **can't be around the flowers and the perfumes and**  
13 **things like that. So that's one of the reasons.**  
14 **And I must admit I got extremely busy when**  
15 **my children were all in high school and college and**  
16 **stuff and me taking courses and stuff, and I just**  
17 **got out, wasn't able to attend and it was not a top**  
18 **priority for me at that time.**  
19 Q. And when you say that for you religion is  
20 personal, what do you mean by that?  
21 **A. I mean that I don't feel you have to go to**  
22 **church to believe in God and to live a religious**  
23 **life and to try to do right.**  
24 Q. I showed you a portion of the videotape of

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1 **about. You know, it was hard for him to say what**  
2 **you were going to ask us because people were getting**  
3 **asked different things.**  
4 Q. Did Mr. Bireley tell you how he knew what  
5 other people had been asked?  
6 **A. He had talked to Dr. Hattier and he had**  
7 **been asked mostly questions about his family and**  
8 **stuff like that.**  
9 Q. You didn't talk to Dr. Hattier?  
10 **A. No.**  
11 Q. That's what Mr. Bireley told you Dr.  
12 Hattier had said he was asked about?  
13 **A. Right, that you were asking individuals**  
14 **different things, you know, and probably trying to**  
15 **piece the puzzle together by, you know, asking**  
16 **different things. He told me not to be scared**  
17 **because you weren't that bad.**  
18 Q. That's what my mom says, too. Do you  
19 maintain any e-mail accounts?  
20 **A. No, sir, I don't have a computer. That's**  
21 **how old fashioned I am.**  
22 Q. Do you keep a file relating to your service  
23 as a Board member?  
24 **A. No, sir.**

1 the August 24th meeting, do you know whether  
2 meetings of the Board are customarily videotaped?  
3 **A. I -- we have understood, and I don't know**  
4 **if we are wrong or not, it's not customary as far as**  
5 **we're concerned. It was my understanding that they**  
6 **were trying to show the people in another room what**  
7 **was going on.**  
8 Q. And so the tape was just incidental?  
9 **A. The tape was incidental. It was to let the**  
10 **people who were in another, in the big auditorium --**  
11 **well, we were in the cafeteria and the other group**  
12 **was in the gymnasium, and it was my understanding**  
13 **that we were being videotaped so that those people**  
14 **could see what's going on.**  
15 Q. Thanks. You are the first person who has  
16 had an answer to that question.  
17 **A. Well, that's just my understanding, I don't**  
18 **know it that was true or not.**  
19 Q. When you gave the prayers in the meetings  
20 following the adoption of PX9, the Board Prayer  
21 Policy, is it correct that there were students in  
22 attendance at each of the meetings?  
23 **A. You know, whether there were or whether**  
24 **there were not, I can't honestly say. I know for**

32 (Pages 122 to 125)



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1 **sure there was a possibility that there were, but I**  
2 **didn't go out and look and check the audience before**  
3 **I gave it.**  
4 Q. In the prayers as opposed to the moment of  
5 silence that you led, in the prayers that you gave  
6 you prayed in the name of Jesus, correct?  
7 **A. Yes, I did.**  
8 Q. If there were students there is it correct  
9 that you did not know their religious faith?  
10 **A. No, I did not know their religious faith.**  
11 Q. Did you notice whether anyone whether  
12 student or adult got up to leave the room when Mr.  
13 Bireley. Or I guess Mr. Walls was the previous  
14 president, correct, of the Board?  
15 **A. Mr. Walls --**  
16 Q. When Mr. Walls or Mr. Bireley read the  
17 disclaimer?  
18 **A. Did I notice anyone leaving?**  
19 Q. Yes.  
20 **A. No, I was too busy getting my notes out to**  
21 **read.**  
22 Q. Am I right that the religious faith of the  
23 persons in attendance at the meeting would not have  
24 affected in any way the prayer that you were going

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1 to give? That is to say, you decided what prayer  
2 you were going to give based on your own personal  
3 beliefs and you weren't going to alter it based on  
4 what the beliefs were of other people?  
5 **A. That's correct, it's our understanding of**  
6 **the way we do it.**  
7 Q. Were you involved in the process to hire a  
8 new Board lawyer for the Indian River School  
9 District?  
10 **A. Yes, sir.**  
11 Q. How many lawyers did you interview?  
12 **A. We ended up not interviewing anyone to my**  
13 **knowledge.**  
14 Q. How was the new lawyer selected?  
15 **A. We had, I think five people on the list,**  
16 **and the first thing we did was go through and look**  
17 **about how much they were going to charge to be quite**  
18 **honest, and we sort of were able to eliminate a few**  
19 **people. You mean our regular Board lawyer, you**  
20 **don't mean these guys?**  
21 Q. Yes.  
22 **A. And we sort of did that. We were very**  
23 **familiar with one lawyer on there that we had had**  
24 **contact with before, and we were impressed with him.**

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1 Q. That was Mr. Williams?  
2 **A. That was Mr. Williams. So, we didn't want**  
3 **to put anyone to a whole lot of trouble to come be**  
4 **interviewed if we had all pretty much felt we knew**  
5 **enough about that gentleman to know that he was the**  
6 **one we'd like to have.**  
7 Q. How did you -- what contact had you had  
8 with Mr. Williams prior to this process?  
9 **A. The only contact -- I had had two contacts**  
10 **with Mr. Williams. I heard Mr. Williams speak at a**  
11 **DSBA meeting, the group that I was with last night.**  
12 Q. Yes.  
13 **A. And he was down with us with our other**  
14 **lawsuit I guess one evening.**  
15 Q. Your other lawsuit?  
16 **A. Yes, our high school in Georgetown, we have**  
17 **been sued by the people who were the bonding agents**  
18 **for the HVAC group that went belly-up.**  
19 Q. And Mr. Williams had been involved in that  
20 lawsuit --  
21 **A. No, he has not been involved in it, but for**  
22 **some reason someone asked him to come down and give**  
23 **us some advice about that situation or something.**  
24 Q. When Mr. Williams spoke at the DSBA what

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1 was the topic of his speech?  
2 **A. He was talking about school Board, about**  
3 **law in Delaware and school law and stuff like that.**  
4 Q. Did he have anything to say about the  
5 School Board prayer?  
6 **A. Yes, he did.**  
7 Q. What did he say?  
8 MR. ALLINGHAM: This was not  
9 during attorney/client relationship, public  
10 speech  
11 **A. Is it okay?**  
12 MR. SHAW: Who was in attendance  
13 at that meeting?  
14 **A. Who was in attendance?**  
15 Q. This was at a Delaware School Boards  
16 Association?  
17 **A. This is at a Delaware School Boards**  
18 **Association meeting where a representative from each**  
19 **of the 19 --**  
20 MR. SHAW: Then that's fine.  
21 Q. What did Mr. Williams have to say about  
22 School Board prayer on that occasion?  
23 **A. Mr. Williams used Indian River School**  
24 **District as an example in his speech.**

33 (Pages 126 to 129)

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1 Q. What did he say?  
2 **A. He said that he felt that Indian River**  
3 **School District was a legislative body, and he felt**  
4 **that we had the right to pray at Board meetings.**  
5 Q. And was that information helpful to you in  
6 the process of selecting a new Board attorney?  
7 **A. No, but it made me feel better because of**  
8 **the situation that we had just become involved in.**  
9 Q. The situation being this lawsuit?  
10 **A. Yes.**  
11 Q. Was there any discussion at the Board level  
12 about Mr. Williams' statement at the DSBA meeting  
13 that the Indian River School Board was a legislative  
14 body and that therefore it had the right to pray at  
15 its meetings?  
16 **A. No. After my meeting again we had a dinner**  
17 **and then we have a workshop, like last evening we**  
18 **had the dinner and then the workshop afterwards. At**  
19 **the dinner I relayed the information to Mr. Bireley**  
20 **and Mrs. Mitchell about what had been said at the**  
21 **end of the DSBA meeting, and that was I'm going to**  
22 **say probably 18 months ago.**  
23 Q. And did Mr. Bireley or Ms. Mitchell relay  
24 that the information to the rest of the Board

1 Q. And the second whereas clause says,  
2 "Whereas this school Board has had a long  
3 established custom of solemnifying its proceedings  
4 by opening its meetings with a sectarian or  
5 non-sectarian prayer," do you know how or when or at  
6 whose suggestion the change was made from adopting a  
7 policy on prayer at all Board meetings to adopting a  
8 policy on prayer that would apply only to regular  
9 Board meetings?  
10 **A. I have no idea. I'm just going to suppose**  
11 **that they meant regular Board meetings and didn't**  
12 **say it. I don't know.**  
13 Q. In the stack of exhibits before you  
14 somewhere there is a document with a sticker that  
15 says PX36. My first question to you, ma'am is have  
16 you ever seen this document before?  
17 **A. Oh, gosh here we go. I don't think I have**  
18 **but I can't say I haven't. I don't think I have.**  
19 Q. Have you ever meet Tom Neuberger?  
20 **A. Yes.**  
21 Q. In what context?  
22 **A. He came down to one of our Board meetings.**  
23 **He came down to be "interviewed" or whatever by us.**  
24 Q. Who invited him, do you know?

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1 members?  
2 **A. I don't know.**  
3 Q. Those are the only two that you talked to  
4 about it?  
5 **A. That's the only two that I recall talking**  
6 **to about it.**  
7 Q. Okay.  
8 MS. DUPHILY: We are going  
9 off the record at approximately 3:56 p.m..  
10 (WHEREUPON a brief recess was  
11 taken)  
12 MS. DUPHILY: Back on the  
13 record at approximately 4:03 p.m..  
14 Q. Mrs. Bunting, if you look at PX34 which is  
15 the document that has Mr. Walls' fax sheet on it?  
16 **A. Oh, okay.**  
17 Q. This is the document that we established  
18 has the five paragraphs that were ultimately adopted  
19 as the Board policy down at the back of the  
20 document, do you remember that?  
21 **A. Yes.**  
22 Q. This document is called Policy on Prayer at  
23 Board meetings?  
24 **A. Okay.**

1 **A. I think it was Reggie, I think.**  
2 Q. And would was this be to be interviewed to  
3 be retained to represent the district in connection  
4 with this pending litigation?  
5 **A. Yes.**  
6 Q. And do you recall that Mr. Neuberger  
7 delivered an ultimatum to the Board in which he said  
8 look, you are either going to retain me tonight or  
9 you are not going to retain me?  
10 MR. SHAW: I am going to object  
11 this is attorney/client privilege with  
12 respect to representation.  
13 MR. ALLINGHAM: That might be  
14 true, but Mr. Gosselin has already let two  
15 witnesses answer this question, so whatever  
16 privilege exists it's been waived.  
17 MR. SHAW: I will permit the  
18 witness on your word that MR. Gosselin has  
19 allowed the other witnesses to answer  
20 this.  
21 Q. Did Mr. Neuberger deliver an ultimatum to  
22 the Board that either you would retain him that  
23 night or you would not retain him?  
24 **A. I don't recall that he gave us an ultimatum**

34 (Pages 130 to 133)

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1 that night, but I think it was a situation like, you  
2 know, like those people that are trying to sell you  
3 something, you know, take advantage of it now or you  
4 might not be able to get it later.  
5 Q. So you don't forget call before midnight?  
6 A. Right, yeah and I don't recall if it was  
7 that night at that meeting, because I think when he  
8 left it was his idea that we were going to  
9 deliberate, we were going to talk about it, and I'm  
10 not sure if he said if you don't tell me, I'm not  
11 sure.  
12 Q. Okay. The district ultimately decided not  
13 to retain Mr. Neuberger, is that right?  
14 A. Yes.  
15 Q. What was the reason for that?  
16 A. In my opinion what was the reason?  
17 Q. Yes.  
18 A. I think several people thought he was too  
19 aggressive.  
20 Q. Which people were they?  
21 A. Oh, gosh. I am thinking maybe Mark Isaacs  
22 was one, Dr. Isaacs, I'm not sure about Dr. Hattier,  
23 possibly, I'm not sure about Mr. Walls, and if  
24 Mr. Cohee was there, because a lot of times he's not

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1 at meetings, I think Mr. Cohee might have a concern  
2 because he is a Delaware State Trooper and  
3 Mr. Neuberger has been doing some state trooper work  
4 and he didn't know if there would be a conflict,  
5 from what I recall. There were people had different  
6 reasons.  
7 Q. And the decision not to retain  
8 Mr. Neuberger, do you remember when that took place?  
9 A. I think that evening to the best of my  
10 knowledge was that we needed to go slow on this, we  
11 needed to talk about it because I don't think at  
12 that time we had been sued yet, had we?  
13 Q. That's correct?  
14 A. So, I think it was a situation where why do  
15 we need to put the cart before the horse, you know,  
16 why don't we sort of a wait and see attitude, or  
17 maybe we should talk to someone else about what we  
18 should do, we shouldn't just put all of our apples  
19 in one basket. I don't know, it was people who  
20 weren't sure yet what we needed to do.  
21 Q. Were you in that group?  
22 A. No.  
23 Q. You were in favor?  
24 A. I liked Mr. Neuberger.

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1 Q. You were in favor of retaining him?  
2 A. Yes, I was.  
3 MR. ALLINGHAM: I am going to  
4 mark as PX47, a document bearing Bates  
5 numbers P551 to 552.  
6 (WHEREUPON Plaintiff's Exhibit 47  
7 was marked for identification.)  
8 Q. This is a copy of a, of an article from the  
9 Delaware Wave?  
10 A. Right.  
11 Q. This is actually printed off the Internet  
12 but it's the same text?  
13 A. Okay.  
14 Q. In August of 2005?  
15 A. Uh-hum.  
16 Q. And to put it in context, you will see that  
17 this is shortly following Judge Farnan's decision  
18 dismissing the claims against the individual Board  
19 members, do you recall that?  
20 A. I know Judge Farnan dismissed it against  
21 individual Board members.  
22 Q. This was, this was an article that you gave  
23 an interview to Miss Hughes for, is that correct?  
24 A. Yes.

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1 Q. And I assume you said things other than, in  
2 addition to the things that were quoted here?  
3 A. I didn't say much other than what was  
4 quoted. She had a -- she was talking to me on a  
5 cell phone while she was driving her car. I should  
6 have known better, and bless her heart she had it  
7 all messed up.  
8 Q. Until you gave this interview had you ever  
9 met Miss Hughes?  
10 A. I had not met her personally. I had talked  
11 to her on the phone I think one other time, because  
12 she was a little thing trying to get information all  
13 the time.  
14 Q. This I take it was before your attorneys  
15 told you to be very careful about what you say?  
16 A. Yes, it was.  
17 Q. In the third paragraph from the bottom of  
18 the exhibit I have given you, PX47, you are quoted,  
19 first you are reported as having said you attended  
20 Selbyville Middle School and that prayer is not a  
21 policy but a tradition?  
22 A. Right.  
23 Q. There is an inaccuracy in that sentence, is  
24 that correct?

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1 **A. Let me see.**  
2 Q. You went to Selbyville High School?  
3 **A. I went to Selbyville High School, not**  
4 **Selbyville Middle School, even though the building**  
5 **is the same or was the same. This used to be, it**  
6 **was Selbyville High School and then it became**  
7 **Selbyville Middle School and then a new middle**  
8 **school was built and that's now Selbyville Middle**  
9 **School and this school became Southern Delaware**  
10 **School of the Arts and IRAC.**  
11 **So, when I attended here it was Selbyville**  
12 **High School.**  
13 Q. I guess to be technically accurate  
14 you must have also attended it when it was  
15 Selbyville Elementary School since you --  
16 **A. Right.**  
17 Q. Since you went to kindergarten here as  
18 well?  
19 **A. Right. Except it was just called**  
20 **Selbyville High School.**  
21 Q. Even when you were in kindergarten?  
22 **A. Yeah. It was always Selbyville High School**  
23 **and we went here -- it's a small town Selbyville.**  
24 **We went to school from kindergarten to grade 12**

1 **A. Okay.**  
2 Q. And then the next sentence in quotes says,  
3 "We represent the people and that's what we're  
4 trying to do," she said, referring to Mrs. Bunting,  
5 "This is a traditional thing for this area and this  
6 area is Christian."  
7 **A. Okay we are you now?**  
8 Q. I'm sorry, it's the first page of the  
9 article?  
10 **A. First page of the article.**  
11 Q. I don't think you're looking at the same  
12 thing I am looking at. That may be what the problem  
13 is?  
14 **A. That may be.**  
15 MR. SHAW: We are on 57?  
16 MR. ALLINGHAM: 47.  
17 MR. SHAW: We marked the wrong  
18 exhibit.  
19 Q. Okay, may I have it back? No wonder you  
20 were having trouble following it.  
21 **A. Well.**  
22 MR. ALLINGHAM: Okay, I'm going to  
23 leave that marked as Exhibit 47 and I'm  
24 going to ask to have marked as Exhibit 48 a

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1 **right in this one building. 36 in our class, if**  
2 **that tells you anything.**  
3 Q. So, did you go to school from kindergarten  
4 right up through 12th grade in this building?  
5 **A. Uh-hum.**  
6 Q. So, it's true that you went to middle  
7 school here but it wasn't called Selbyville Middle  
8 School?  
9 **A. It was called Jr. High School in those**  
10 **days. We had elementary, Jr. high and high school**  
11 **and they were all in this building.**  
12 Q. I feel sorry for Laren Hughes it sounds  
13 like it was a little confusing?  
14 **A. I am sure, but she shouldn't write things**  
15 **if she was still confused about them.**  
16 Q. Then you are quoted as saying "We represent  
17 the people and that's what we're trying to do" she  
18 said, Nina Lou Bunting --  
19 **A. Where is that?**  
20 Q. Right after the, it's the third paragraph  
21 from the bottom?  
22 **A. Okay.**  
23 Q. I read you the sentence that starts Nina  
24 Lou Bunting?

1 document bearing Bates numbers 549 to 550.  
2 And just to correct the record what we had  
3 marked as 47 bears Bates numbers P551 to  
4 552. That should help.  
5 (WHEREUPON Exhibit 48 was  
6 marked for identification.)  
7 **A. That should help. Okay.**  
8 Q. If you will hang on for a minute while I  
9 fix my numbers.  
10 Okay, let's try it again. I'd like you to  
11 look at PX48?  
12 **A. Okay.**  
13 Q. The headline for which is "Federal Judge:  
14 School Board Not Liable."  
15 **A. Okay.**  
16 Q. Are we on the same page now?  
17 **A. Yes.**  
18 Q. This is an article from the Wave dated  
19 August 10, 2005 written by Laren Hughes.  
20 **A. Okay.**  
21 Q. I'd like you to look at the third paragraph  
22 from the bottom which starts "Nina Lou Bunting?"  
23 **A. Right.**  
24 Q. And that first sentence says, "Nina Lou

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1 Bunting, a Board member said she attended Selbyville  
2 Middle School and prayer is not a written policy but  
3 a tradition." And then she quotes you, "We  
4 represent the people and that's what we're trying to  
5 do," she said. "This is a traditional thing for  
6 this area, and this area is Christian."  
7 Miss Hughes then goes on to report that you  
8 said, the Board did not intend to push religion on  
9 anyone, and would have gladly allowed others to give  
10 their own prayer. "In no way are we trying to  
11 offend anyone and if someone wanted to give a prayer  
12 at the beginning of school meetings that would have  
13 been fine," Bunting said. "We would be happy to her  
14 that opportunity."  
15 Now, I gather that you read this article  
16 from The Wave on or about the time that it issued?  
17 **A. Yes.**  
18 Q. And if you will now look at Exhibits 47?  
19 **A. Is that the other one that I was looking**  
20 **at?**  
21 Q. That's the other one?  
22 **A. Okay.**  
23 Q. And the headline on this one is, "Board  
24 Member Disputes Editorial Accuracy."

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1 **A. Uh-hum.**  
2 Q. And this document is a letter to the editor  
3 from you, to the editor of The Wave, correct?  
4 **A. Uh-hum.**  
5 Q. And it's dated August 24, 2005, or exactly  
6 two weeks after Miss Hughes' article issued?  
7 **A. Uh-hum.**  
8 Q. Okay. Now, it was our intent in writing  
9 this article, I mean in writing this letter to  
10 correct whatever inaccuracies you saw in Ms. Hughes'  
11 article which we marked as PX48?  
12 **A. Well, attempting to.**  
13 Q. Yes, ma'am?  
14 **A. Clarify it, if possible.**  
15 MR. SHAW: Do you have another  
16 copy of that?  
17 MR. ALLINGHAM: Yeah, I'm sorry,  
18 didn't I give it to you?  
19 MR. SHAW: You gave me the other  
20 one.  
21 Q. And in fact that's what you say in the  
22 third paragraph of your letter, you write, "After  
23 appealing to the Wave's president and publisher I am  
24 writing this to clarify my statements which were

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1 reported in that article?"  
2 **A. Uh-hum.**  
3 Q. "As she advised," correct?  
4 **A. Right. I spoke with the publisher of The**  
5 **Wave, a gentleman who was not a gentleman. He**  
6 **wasn't very nice and I could not get anywhere with**  
7 **him. He let me know that what she wrote was what I**  
8 **said, and I knew that she had been on a cell phone**  
9 **driving a car, and that she did not have things**  
10 **correct, and I wanted them clarified.**  
11 **So, I called the president of the**  
12 **publishing company, The Wave is one of their papers**  
13 **and over in Salisbury, Maryland, I talked to her and**  
14 **her suggestion was to just send a letter to the**  
15 **editor attempting to clarify my position because he**  
16 **obviously wasn't going to do anything about it.**  
17 Q. So, to clarify your position if Ms. Hughes  
18 reported things in a way that made your position  
19 ambiguous or misleading or --  
20 **A. Well, it was just things that weren't true.**  
21 **You know, people around here know I'm too old to**  
22 **have gone to Selbyville Middle School and all that**  
23 **kind of stuff, you know.**  
24 Q. And also to correct whatever factual

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1 inaccuracies --  
2 **A. Yes.**  
3 Q. -- or misquotes you saw in the article?  
4 **A. Yes, misquotes, inaccuracies,**  
5 **misunderstandings. You know, I don't think Laren**  
6 **deliberately put something in there, I think she was**  
7 **just trying to write down notes and when she went**  
8 **back to put it together she just -- it didn't come**  
9 **out right, put it that way.**  
10 Q. Okay, and to sort of sum this up, in the  
11 call to the publisher, the call to the president and  
12 then ultimately in this letter, what you were trying  
13 to do was to correct whatever mistakes you saw in  
14 Ms. Hughes' article?  
15 **A. Trying to correct the mistakes and try to**  
16 **make it clear about what was truly the right answer**  
17 **the best I could, you know, without going on and on,**  
18 **and on. I'm a teacher, you know, I could clarify**  
19 **for weeks, but trying to make it as simple as**  
20 **possible, let's put it that way.**  
21 Q. So, let me go down the corrections?  
22 **A. Okay.**  
23 Q. The fourth paragraph, you say, "To begin  
24 the front page caption misleads the readers because

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1 the Indian River School Board is still liable as a  
2 group. It is the Board members as individuals who  
3 the judge has determined to be not liable."  
4 **A. Right.**  
5 Q. And looking back at PX48, the front page  
6 caption that you are talking about is the caption or  
7 headline that says "Federal Judge: School Board Not  
8 Liable?"  
9 **A. So, I thought the public would get the idea**  
10 **that the Board was not liable and it was all over.**  
11 Q. And wanted the public to know that the  
12 litigation was still going on?  
13 **A. Well, I just wanted it clarified. You are**  
14 **not supposed to put inaccuracies out there in the**  
15 **public.**  
16 Q. When you corrected that what you said is,  
17 "It is the Board members as individuals who the  
18 judge has determined to be not liable, but the  
19 Indian River School Board is still liable as a  
20 group?"  
21 **A. Yes.**  
22 Q. Do you see that?  
23 **A. Yes.**  
24 Q. What did you mean liable?

1 it says, "Nina Lou Bunting a Board member said she  
2 attended Selbyville Middle School?"  
3 **A. Yes, uh-hum.**  
4 Q. And then you go to say, back to your  
5 letter, "And the reference to prayer being a  
6 tradition without being a written policy was what I  
7 said about prayer at the Board level, not at  
8 Selbyville Middle School as the copy states."  
9 **A. Right.**  
10 Q. And so, I just want to make sure I  
11 understand it, when you told Laren Hughes that  
12 prayer is not a written policy but a tradition, you  
13 meant prayer at the Board meetings?  
14 **A. I meant prayer at the Board meetings. and**  
15 **what she had written in the paper was that Nina Lou**  
16 **Bunting said that when she attended Selbyville**  
17 **Middle School they had prayer. So it sounded like**  
18 **that we had prayer in the classroom at Selbyville**  
19 **Middle School.**  
20 Q. I don't see that it says Nina Lou Bunting  
21 said when she attended Selbyville Middle School --  
22 **A. No, but.**  
23 Q. -- but I can see that you would be worried?  
24 **A. That's what I was afraid that people would**

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1 **A. I guess I was using their word.**  
2 Q. The Wave's word?  
3 **A. Yeah. That if that was the word that they**  
4 **wanted to use. What I meant was we have still been**  
5 **sued as a group.**  
6 Q. And is it your understanding that as a  
7 group you could still be required to pay damages?  
8 **A. Well, as a group we were still responsible**  
9 **for whatever came along, as a group. It's just it**  
10 **was no longer an individual thing.**  
11 Q. Okay.  
12 **A. I mean I didn't know what was going to come**  
13 **along.**  
14 Q. But that was the distinction or correction  
15 that you were trying to make, it was only as  
16 individuals?  
17 **A. It was only as individuals that any type of**  
18 **decision at all on anything had been made at this**  
19 **point.**  
20 Q. Okay. In the next paragraph you say, "The  
21 continuation of that article on page three  
22 incorrectly states that I attended Selbyville Middle  
23 School (it was Selbyville High School)," and that's  
24 the statement that we just read a minute ago where

1 **think.**  
2 Q. And that's what you wanted to correct?  
3 **A. Yeah.**  
4 Q. Okay. And when you attended Selbyville  
5 Middle School was there prayer in the classroom?  
6 **A. When I attended Selbyville High School?**  
7 Q. Sorry, yes?  
8 **A. Yes.**  
9 Q. I apologize.  
10 **A. Yes, there was in elementary school.**  
11 Q. But your point was that's not the case  
12 anymore?  
13 **A. No.**  
14 Q. All right, and then in the next paragraph  
15 you have another correction in which you say, "The  
16 Indian River District has policies in place  
17 regarding school functions such as banquets,  
18 sporting events, graduations, etc. which comply with  
19 state law as to religion. This article was speaking  
20 to the lawsuit about prayer at Board meetings and  
21 should not have confused the reader about schools  
22 and prayer in general."  
23 My first question is, is that kind of the  
24 same issue you were talking about, this blurring of

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1 the distinction between School Board prayer and  
2 school prayer generally?  
3 **A. Yes, and Laren kept jumping around with her**  
4 **questions, you know, and she kept taking me from**  
5 **what it used to be like when I was in school to what**  
6 **it's like now, and back and forth and that's how she**  
7 **got it confused. So, I wanted it clear that this**  
8 **whole thing was about prayer at Board meetings, not**  
9 **anywhere else.**  
10 Q. Now, your letter goes on then to address an  
11 editorial that was in The Wave --  
12 **A. Yes.**  
13 Q. Which we haven't looked at and I don't  
14 actually have, to tell you the truth, and so I'm not  
15 going to concern ourselves with this editorial and  
16 the changes.  
17 **A. Well, the man I talked to who is the editor**  
18 **of the paper that's -- he got his information from**  
19 **Laren, so then when he wrote the editorial he had**  
20 **everything screwed up in the editorial.**  
21 Q. And actually I spoke too soon, I see that  
22 the editorial apparently reproduced something that  
23 was in Laren's article, so let's talk about that as  
24 well.

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1 At the bottom of PX47 you say in your  
2 letter, the sixth paragraph misquotes that I, "Would  
3 be glad to give anyone the opportunity to offer a  
4 prayer of their choosing at school meetings," and  
5 you correct that, "School meetings? Again an  
6 interview where words were taken out of context, as  
7 I referred to compromises which could have been made  
8 at school functions in lieu of filing the lawsuit a  
9 year ago."  
10 I'm having a little trouble understanding  
11 this. Is what you are saying that --  
12 **A. What I'm saying is in that situation if**  
13 **Mona Dobrich had come to us earlier --**  
14 Q. Yup.  
15 **A. Knowing that she had been in our district,**  
16 **grew up in our district, and then her daughter and**  
17 **son were growing up in our district, her daughter**  
18 **had gone all the way through, if she had come to us**  
19 **sooner, then there could have been situations where**  
20 **we could have intervened. Like at banquets and**  
21 **things, and you know, have a rabbi one month and**  
22 **somebody else the next month.**  
23 **That's what I was saying, there could have**  
24 **been compromises done, had we had talked earlier,**

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1 **then bang bang here we are, you know.**  
2 **That's what I was referring to.**  
3 Q. Did it occur to you that Mrs. Dobrich was  
4 trying to be tolerant of other people's religions?  
5 **A. Well, what occurred to me, quite honestly**  
6 **what has occurred to me is that Mrs. Dobrich lived**  
7 **here all these years and was well meshed in with the**  
8 **community and had friends in this community,**  
9 **celebrated with friends in this community, I might**  
10 **add Christmas celebrations as well, and if she was**  
11 **offended ever at anything, she never said anything**  
12 **ever. I mean, not even to friends or people that**  
13 **have told me things.**  
14 **So, this is a nice place to be around here.**  
15 **People are tolerant, and nobody wants to hurt**  
16 **anybody's feelings that I know of or offend anyone.**  
17 **So, I just wish she had said something sooner, so we**  
18 **could have started working something out.**  
19 Q. And the kinds of things that you might've  
20 thought of to work things out would be, for example,  
21 to have a rabbi and a minister offer blessings at  
22 academic banquets?  
23 **A. Why not?**  
24 Q. I don't know.

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1 **A. Why not? Why not have one or the other,**  
2 **why not have both. I mean why not? And to be quite**  
3 **honest, you know when, you don't think about it this**  
4 **community is like I said it is Christian community,**  
5 **and we don't usually see people of other religious**  
6 **backgrounds and all in our day do day goings on, and**  
7 **maybe we don't think about it.**  
8 **But you know I really honestly feel if she**  
9 **had brought it to our attention sooner and in a**  
10 **different way, she knew graduation was coming up and**  
11 **instead of waiting until a prayer was given, which I**  
12 **might add the School Board has no control over, then**  
13 **maybe this could all have been averted.**  
14 Q. Do you know when this lawsuit was filed?  
15 **A. I've forgotten.**  
16 Q. I will get it for you, hang on. It was  
17 filed on the last day of February of 2005, February  
18 28, 2005  
19 **A. Well, we were certainly -- we had been**  
20 **expecting it for months, and months and months.**  
21 Q. Do you know whether Mrs. Dobrich and her  
22 attorneys made any effort to avoid litigation?  
23 **A. I wouldn't know, sir, I have no idea.**  
24 MR. ALLINGHAM: I'm going to ask

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1 the court reporter to mark as PX49 a  
2 document bearing Bates numbers D19 through  
3 D23.  
4 (WHEREUPON Plaintiff's Exhibit 49  
5 was marked for identification.)  
6 Q. Now, I'm going to tell you what this letter  
7 is.  
8 **A. Okay.**  
9 Q. It's a letter with my illegible signature  
10 at the end, fortunately we also type the name so you  
11 can tell who it is. It's dated November 12, 2004  
12 and it's directed to the Board members of the Board  
13 of Education. Do you know whether you got a copy of  
14 this letter?  
15 **A. You know, here we go again. It says dear**  
16 **Board members, and I'm sure I probably did.**  
17 Q. Let me just ask you a couple of questions  
18 about that Mrs. Bunting?  
19 **A. Uh-hum.**  
20 Q. It's probably uncommon for you to get a  
21 five page single spaced letter from some law firm,  
22 do you have any independent recollection that you  
23 got this, or can you recall that you didn't get it?  
24 **A. I could not recall that I did or did not.**

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1 **I assume that I did because I know our district is**  
2 **pretty good about making sure that we get things**  
3 **that we are supposed to get.**  
4 Q. I'm going to read the first paragraph.  
5 **A. Okay.**  
6 Q. "Dear Board Members, we represent Mona  
7 Dobrich and her family. We have reviewed the Indian  
8 River School District's policies on School Prayer at  
9 Commencement/Graduation and Baccalaureate  
10 Ceremonies, Board Prayer at Regular Board Meetings,  
11 and Religion," which we then define as the policies,  
12 "and have the following questions regarding the  
13 policies. We commend the Board for recognizing its  
14 obligation to adhere to Federal and State  
15 Constitutional principles and provisions, statutes  
16 and regulations pertaining to religious observances  
17 in public schools and the matter addressed in the  
18 policies. Our questions are designed to help us  
19 (and, we hope, the Board as well) understand whether  
20 the policies accomplish that goal. We look forward  
21 to your responses and to working constructively and  
22 cooperatively with you to ensure that the district's  
23 policies are in accord with constitutional  
24 principles."

1 And there follow several pages of questions  
2 about the policies that the Board had adopted?  
3 **A. These are the new policies that the Board**  
4 **had adopted?**  
5 Q. Yes, ma'am.  
6 **A. In 2004 or whatever?**  
7 Q. Yes, ma'am.  
8 **A. After Mona complained?**  
9 Q. Yes. So the sequence of events, just so  
10 you have the timing in place?  
11 **A. Okay.**  
12 Q. Graduation occurred in 2004, I believe in  
13 the first week of June of 2004?  
14 **A. Yes, it would have been.**  
15 Q. Mrs. Dobrich complained to Mrs. Hobbs after  
16 graduation, and that set into process without who's  
17 responsible for what, set into process the Board's  
18 consideration of the policies. Do you recall that  
19 generally?  
20 **A. I know she complained after the --**  
21 Q. Graduation?  
22 **A. Graduation.**  
23 Q. And that was what set into process the  
24 Board working on the policies?

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1 **A. Right. And I don't recall, as I said,**  
2 **being at the June meeting.**  
3 Q. Right?  
4 **A. So by the time it was coming along, okay,**  
5 **it was near the end of the summer for me.**  
6 Q. The School Board prayer Policy was adopted  
7 on October 19th?  
8 **A. Okay.**  
9 Q. So that was sort of at the end of the Board  
10 process and before this letter?  
11 **A. Okay.**  
12 Q. Okay? And the other policies were adopted  
13 also on October 19th?  
14 **A. Okay.**  
15 Q. Okay. So, this letter follows it by three,  
16 three and a half weeks?  
17 **A. So, this was looking at our policies that**  
18 **you say we adopted in what October?**  
19 Q. October 19, 2004.  
20 **A. And this was questioning those policies?**  
21 Q. This was asking questions --  
22 **A. About those policies.**  
23 Q. -- about the policies and about how the  
24 Board understood the policies.

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1 **A. Okay.**  
2 Q. Okay. And as we wrote in the letter, "Our  
3 questions are designed to help us and we hope the  
4 Board as well understand whether the policies  
5 accomplish that goal. We look forward to your  
6 responses and to working constructively and  
7 cooperatively with you to ensure that the district's  
8 policies are in accord with constitutional  
9 principles."  
10 Now, my question to you is, when you read  
11 this letter, and I'm going to assume for the moment  
12 that you did read it, since as you pointed out the  
13 district is good at getting letters out to you?  
14 **A. Uh-hum.**  
15 Q. Did that sound like a letter of somebody  
16 who was rattling sabers, or did it sound like the  
17 letter of somebody who was trying to work with the  
18 Board?  
19 **A. From looking at it now, it looks like**  
20 **someone who's trying to work with the Board, but**  
21 **there are an awful lot of questions, so I don't know**  
22 **I haven't read them all yet. I'm sure I did at the**  
23 **time.**  
24 Q. Do you know how the Board responded to the

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1 request from Mrs. Dobrich's lawyers for  
2 clarification, and for an opportunity to work  
3 constructively and cooperatively with the district?  
4 **A. I would say that I know that all of us**  
5 **would not have sat down and gone through each of**  
6 **these and tried to hammer it out. Because, as I**  
7 **said there are ten of us that are long winded and we**  
8 **would have been all night, you know what I mean?**  
9 **So, I'm sure that we turned this over**  
10 **either to the policy committee or someone to**  
11 **probably go through and answer the questions. Are**  
12 **you saying they did not get answered?**  
13 Q. Well, my first question is do you know  
14 whether any response was delivered?  
15 **A. I have no idea, and I can say that it would**  
16 **not have come from the full Board, I can assure you**  
17 **of that, because it would have been labor intensive**  
18 **if we had all tried to hammer through this.**  
19 Q. If, and I'm just asking about you as an  
20 individual Board member, reading the opening of this  
21 letter, would it have been your desire that some  
22 response have been provided to Mrs. Dobrich's  
23 lawyers?  
24 **A. Some response should have been provided?**

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1 Q. Yes.  
2 **A. Yes, some response should have been**  
3 **provided.**  
4 MR. ALLINGHAM: I'm going to ask  
5 the court reporter to make as PX50, a  
6 document which has no Bates number on it on  
7 One Rodney Square letterhead bearing my  
8 signature dated December 16, 2004.  
9 (WHEREUPON Exhibit 50 was  
10 marked for identification.)  
11 Q. This letter is addressed to the individual  
12 Indian River School Board members, but a copy is  
13 marked to Mr. Griffin and to superintendent Lois  
14 Hobbs, do you see that?  
15 **A. Yes.**  
16 Q. And you see that all of the copies are to  
17 be delivered by U.S. Mail?  
18 **A. Yup.**  
19 Q. I will represent to you Mrs. Bunting that  
20 we did the best we could to find everybody's address  
21 and to mail them with a stamp to you at your homes.  
22 My first question to you is do you know whether you  
23 received this December 16, 2004 letter?  
24 **A. Again I would not remember, but again I**

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1 **would hope that I received it.**  
2 Q. The first paragraph of this letter which is  
3 addressed to you as well as your colleagues on the  
4 Board reads, "On November 12, 2004 we sent a letter  
5 on behalf of our clients Mona Dobrich and her family  
6 to the Indian River Board of Education and its  
7 members, seeking clarification on the district's  
8 recently implemented policies on School Prayer at  
9 Commencement/Graduation and Baccalaureate  
10 Ceremonies, Board Prayer at Regular Board Meetings,  
11 and Religion. To date, we have not received answers  
12 to our questions, or a statement from the Board  
13 showing its intent to reply."  
14 Now, looking at the two letters, as a  
15 Board member are you disappointed that no response  
16 whatsoever of any kind had been given to Mrs.  
17 Dobrich's lawyers in the more than a month since the  
18 November 12th letter?  
19 **A. I would say that you should have received**  
20 **some response.**  
21 Q. The next paragraph reads, "Considering the  
22 importance of the constitutional principles  
23 involved, and the time that has elapsed, we would  
24 appreciate it if the Board would extend to us the

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1 courtesy of a reply either answering our questions  
2 or indicating your intention not to answer those  
3 questions by January 7, 2005. If we do not receive  
4 a response by that date, we shall assume,  
5 reluctantly, that the Board does not intend to  
6 respond.  
7 We still look forward to receiving your  
8 answers to these questions, and working with you to  
9 insure that the district's policies are in accord  
10 with constitutional principles. If you have any  
11 questions, please feel free to contact us."  
12 And then the last paragraph says, "If we  
13 are unable to meet, we will regretfully have to  
14 consider other options to insure that the district's  
15 policies comply with the Constitution. If you have  
16 any questions, please feel free to contact us."  
17 As a School Board member, would it have  
18 been your desire to, for the district to issue some  
19 kind of response to the letter PX50?  
20 **A. My answer is in a question form back to**  
21 **you, where were our lawyers?**  
22 Q. They weren't my lawyers, ma'am.  
23 **A. And I'm afraid, I shouldn't say this, but I**  
24 **wish they hadn't been ours. We thought that we had**

1 anything to respond to these letters from this  
2 fellow Allingham?  
3 **A. I probably would not have since I am not,**  
4 **you know, this type of thing reading things like**  
5 **this or how to work the VCR, or whatever throws me**  
6 **into total old age overload. So, this is something**  
7 **that I would want referred to someone who knew what**  
8 **they were doing, and I know what assuming does, but**  
9 **I think I would have assumed that someone in the**  
10 **know would have taken care of this.**  
11 Q. Would you agree with me that the tone of  
12 these letters is not confrontational but rather  
13 cooperative?  
14 **A. It looks cooperative.**  
15 Q. Do you recall that at the December 21, 2004  
16 Board meeting, five days after the date of my second  
17 letter, Mrs. Dobrich came to the Board and said, why  
18 won't you answer our questions?  
19 **A. I've no recollection of that. I don't**  
20 **recall that.**  
21 Q. If you have the audio let's play the audio.  
22 **A. The only meeting I recall her being at is**  
23 **the one where all the people were there.**  
24 Q. This would be P51 if I mark the exhibit.

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1 **legal representation, and to me things like this**  
2 **should have been something that our lawyers should**  
3 **have been handling.**  
4 Q. The Board's attorney at the time was James  
5 Griffin, is that right?  
6 **A. The Board's attorney was James Griffin.**  
7 Q. We copied this letter to James Griffin, do  
8 you see that?  
9 **A. Yes, sir.**  
10 Q. Did the Board ask Mr. Griffin what to do?  
11 **A. Did he we ask him what to do?**  
12 Q. Sure?  
13 **A. I wouldn't have had no idea if we asked**  
14 **him. Maybe someone, maybe the president or maybe**  
15 **Mrs. Hobbs asked him, I don't know.**  
16 Q. Is it correct Mrs. Bunting --  
17 **A. He doesn't attend our meetings.**  
18 Q. I understand. Is it correct that for the  
19 purposes of this question I'm going to assume that  
20 the mail worked and that you got the November letter  
21 and the December letter?  
22 **A. Uh-hum.**  
23 Q. Did you yourself ask at a Board meeting  
24 either in November or December has anybody done

1 I'm going to give you a copy of a document that we  
2 have previously marked as PX21, Mrs. Bunting?  
3 **A. Okay.**  
4 Q. Oh, sorry I either throw it too short or  
5 throw it too long.  
6 This is a copy of the final minutes of the  
7 Board's meeting on December 21, 2004 and you are  
8 listed as being in attendance on the first page, do  
9 you see that?  
10 **A. Yes.**  
11 Q. If you look on the third page of the  
12 minutes under public comments?  
13 **A. Uh-hum.**  
14 Q. You see Mona Dobrich?  
15 **A. Yes.**  
16 Q. Do you see that the minutes record, "Mrs.  
17 Dobrich noted that she had requested clarification  
18 through her attorney on the recently adopted  
19 policies regarding religion, however she had not yet  
20 received a response."  
21 Does that refresh your recollection that  
22 after the two letters were sent and Mrs. Dobrich  
23 still nod no response she appeared personally before  
24 the Board and asked if she could get a response to

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1 her questions?  
2 **A. I can't say I don't remember and I can't**  
3 **say I do remember. I mean obviously she was there**  
4 **and obviously she said it cause it's in the minutes.**  
5 Q. You don't doubt that it happened you just  
6 can't remember?  
7 **A. I don't doubt that it happened, but I**  
8 **couldn't say, you know, if you had a gun up here yes**  
9 **or no.**  
10 Q. I asked you earlier in your deposition  
11 about the harassment of the Dobriches and whether  
12 you had ever heard that she and her family had been  
13 harassed by the community, or community members.  
14 The minutes record that Mrs. Dobrich stated, "That  
15 she and her son had moved away from Georgetown to  
16 the city due to the continued harassment of  
17 community members because of this issue?"  
18 **A. Okay.**  
19 Q. Does that refresh your recollection that  
20 you did learn that Mrs. Dobrich and her family moved  
21 because of harassment from community members?  
22 **A. No, it does not refresh my memory. I**  
23 **mean --**  
24 Q. Do you doubt that you were told that?

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1 **A. No I don't doubt that I was told that. I**  
2 **just don't recall it.**  
3 Q. I have a tape of the meeting if you'd like  
4 to hear it?  
5 **A. Yeah, well it's down here and I assume it**  
6 **happened.**  
7 Q. Do you know whether the Board responded to  
8 either of my letters before January 7?  
9 **A. I have no idea.**  
10 Q. As an individual Board member do you think  
11 that the district should have responded to my  
12 letters and Mrs. Dobrich's personal request?  
13 **A. It looks like something should have been**  
14 **done, even if it was just letting you know that they**  
15 **were working on it, and they would be coming along**  
16 **with it when they could.**  
17 MR. ALLINGHAM: Would you mark  
18 please as PX51 a letter on One Rodney  
19 Square letterhead to the Board of Education  
20 of Indian River School District from Thomas  
21 J. Allingham dated January 7, 2005.  
22 (WHEREUPON Plaintiffs's Exhibit  
23 51 was marked for identification.)  
24 Q. This is a letter that I sent to the Board

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1 members, you'll see that copies are marked to each  
2 individual Board member on the second page. And  
3 here I record, "We appreciated the recent phone call  
4 from the Indian River School District's attorney,  
5 James Griffin, and the materials that he provided  
6 for our review. We hope that communication between  
7 the Indian River Board of Education and our client  
8 Mona Dobrich will continue and remain constructive.  
9 We propose a private meeting with members of the  
10 Board and Mr. Griffin to discuss our concerns with  
11 the policies." And we proposed dates thereafter.  
12 **A. Okay.**  
13 Q. Do you know whether any response was given  
14 to that request?  
15 **A. No, I wouldn't be in position to know. I'm**  
16 **just -- I'm not a president or a vice president, you**  
17 **know.**  
18 Q. I gather this was not something that was  
19 ever discussed at a Board meetings?  
20 **A. Again that assuming, and I know some people**  
21 **take a while getting around to doing things.**  
22 Q. Having now had the opportunity to review  
23 this correspondence which took place over a period  
24 of almost two months, do you have a different view

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1 about whether Mrs. Dobrich tried to avoid litigation  
2 with the district?  
3 **A. Yes and no.**  
4 Q. Explain what you mean?  
5 **A. I don't feel this was the district avoiding**  
6 **Mrs. Dobrich, because I know as a Board member that**  
7 **I was not aware that these things were not being**  
8 **taken care of, okay? So, I feel in the chain of**  
9 **responsibilities that somehow someone or some people**  
10 **on our end maybe weren't doing what they were**  
11 **suppose to do, but I wasn't aware that this was not**  
12 **occurring.**  
13 Q. Yes, ma'am.  
14 **A. Okay?**  
15 Q. That's from your end, and then my question  
16 was really directed more to Mrs. Dobrich's end, do  
17 you have a different view as to whether Mrs. Dobrich  
18 from her perspective was trying her best to avoid  
19 litigation with the district?  
20 **A. The main thing that I'm concerned about**  
21 **with Mrs. Dobrich from her point of view is about**  
22 **just the prayer, not these other policies. And I**  
23 **feel that all of these other things involved made it**  
24 **too cumbersome and I don't think she tried hard**

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1 enough to dismiss the prayer at Board meetings.  
2 I think she had too many other things that  
3 she was concerned about as well with all of this,  
4 with all of these questions and everything.

5 Q. Mrs. Bunting, nobody ever gave Mrs. Dobrich  
6 an opportunity to discuss any of those things  
7 because we never got a reply. Do you think that's  
8 Mrs. Dobrich's fault?

9 A. That we didn't -- that she didn't get a  
10 reply?

11 Q. Yes.

12 A. Well, I think this is a situation from  
13 lawyer to lawyer situation. I don't see it as being  
14 Mrs. Dobrich and us. You know, if maybe we could  
15 have gotten rid of the middlemen and sat down  
16 together type of thing.

17 Q. Well, that's precisely what we were asking  
18 for in our letter. I've heard from you today that  
19 it would have been great if Mrs. Dobrich had --

20 A. Right.

21 Q. -- sat down with you and tried to work out  
22 a compromise.

23 A. I'd like to talk -- I would like to have  
24 talked to Mrs. Dobrich one on one type of thing. I

1 Q. Yes.

2 A. David Williams?

3 Q. Yes.

4 A. Oh, no but now wait a minute, when we were  
5 not pleased with our former lawyers, David Williams  
6 came to a meeting, I think I told you that was the  
7 second time I ever saw him.

8 Q. Uh-hum, yes.

9 A. Now, was he there about that or was he  
10 there about our other lawsuit. I'm not sure.

11 Q. Okay, now I'd like to come back briefly to  
12 Laren Hughes' article and your correcting letter?

13 A. Okay.

14 MR. ALLINGHAM: Actually, Mrs.

15 Bunting let's do this, I am going to ask

16 Ms. duPhily to change the tape. I have a

17 couple of more questions on these two

18 letters and while we are changing the tape

19 I will talk to my colleagues and make sure

20 I have nothing else, okay.

21 MS. DUPHILY: We are going off

22 the record at approximately 4:57 p.m..

23 (WHEREUPON a brief recess

24 was taken)

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1 think when all of this was letters back and forth to  
2 each other and one person writes this and somebody  
3 else writes that and you assume this one did this  
4 you assume that one did that and all of it comes up  
5 it came to the point that it came to.

6 Q. Well, let me ask you this --

7 A. It could have been a lot more simple than  
8 this.

9 Q. Did the Board ever say as a Board I think  
10 we should just stiff arm Mrs. Dobrich?

11 A. I think we should just do what, sir?

12 Q. Stiff arm, do you know that term? Should  
13 we just not respond to Mrs. Dobrich?

14 A. Not to my knowledge, no, we knew that we  
15 needed to respond.

16 Q. Has -- this is a different topic, has David  
17 Williams represented the district in this  
18 litigation?

19 A. In this litigation?

20 Q. Yes, ma'am.

21 A. David Williams?

22 Q. Yes, ma'am.

23 A. I don't know, I don't think so in this  
24 litigation?

1 MS. DUPHILY: Back on the  
2 record at approximately 5:10 p.m.

3 Q. In PX47, your letter of clarification, down  
4 at the bottom of the first page we looked earlier at  
5 this paragraph, the sixth paragraph misquotes that  
6 I, "Would be glad to give anyone the opportunity to  
7 offer a prayer of their choosing at school

8 meetings." Are you saying here that Laren Hughes  
9 misquoted you, that is, that the words are incorrect  
10 in the quote when she reported that you said, "In no  
11 way are we trying to offend anyone, and if someone  
12 wanted to give a prayer at the beginning of the  
13 school meetings that would have been fine," Bunting  
14 said, "We would be happy to give her that  
15 opportunity."

16 A. Where is this one now?

17 Q. You are going to look at PX48, second  
18 paragraph from the bottom, do you see that?

19 A. Number one, yes I'm saying I was misquoted  
20 because I wouldn't have the power to give anyone the  
21 ability to pray at the beginning of a meeting.  
22 I'm not the Board president.

23 Q. That you don't have the power to do that,  
24 doesn't mean you wouldn't, couldn't have said that

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1 ma'am?  
2 **A. No, it doesn't mean that I couldn't have**  
3 **said it, but she's misquoted it. I did say that we**  
4 **as Board members didn't want to offend anyone, and I**  
5 **think she got all that screwed up with someone**  
6 **having the opportunity at what she called a school**  
7 **meeting, that someone would have the opportunity**  
8 **like at a dinner that we would have for the athletes**  
9 **or the academic banquets, or something someone would**  
10 **the opportunity to offer it at that time.**  
11 Q. I understand, okay. And that completes the  
12 corrections and clarifications that you set forth in  
13 your letter, am I right?  
14 **A. Well, I'm not so sure that it completed**  
15 **anything, but I was attempting to get a little bit**  
16 **more clarification if someone had actually read this**  
17 **in the paper, you know, and saw all the crazy**  
18 **things. I was just attempting to make some**  
19 **clarification to try to clean it up a little.**  
20 Q. It gets late in the day and we have to be  
21 careful about the questions. My question was that  
22 completes the corrections and clarifications that  
23 you set forth in your letter to The Wave?  
24 **A. That completes what I set forth in my**

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1 **letter at that time, yes. Whether they were**  
2 **completely clarified, I don't know.**  
3 Q. You did not offer any correction or  
4 clarification of the quote in the third paragraph  
5 from the bottom of the article, which says, "We  
6 represent the people and that's what we're trying to  
7 do." Is it your sense that that was an accurate  
8 quotation?  
9 **A. It might not have been the exact words, but**  
10 **that is accurate that we do represent the people.**  
11 Q. And the next sentence is, "This is a  
12 traditional thing for this area and this area is  
13 Christian."  
14 **A. Again, it might not have been the exact**  
15 **words but yes --**  
16 Q. That's accurate?  
17 **A. We represent the people and this is a**  
18 **Christian area, yes, I did say that.**  
19 Q. Would you describe for me how you see your  
20 responsibility to represent your constituents? Is  
21 it that you have to try to understand what a  
22 majority of your constituents want and then try to  
23 effectuate that?  
24 **A. It is my opinion that I pretty well know**

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1 **what my constituents want having lived here 64**  
2 **years, and knowing so many people. Believe me, they**  
3 **let you know what they want. Where ever you are**  
4 **people knowing you come up to you and tell you. I**  
5 **mean I get calls all the time about all kinds of**  
6 **different things, whether the bathrooms are clean at**  
7 **the pool up at, you know, Howard T. Ennis or we hear**  
8 **it all.**  
9 MR. SHAW: Tom, I just want to  
10 make sure the door is closed it's kind of  
11 open.  
12 MR. ALLINGHAM: Sure, go ahead.  
13 Q. So, that's the first step in that  
14 representational process, you have to try to  
15 understand what it is that your constituents want,  
16 and you feel confident based on your 64 years of  
17 experience living here that you do have a good sense  
18 of what your constituents want?  
19 **A. I feel I do.**  
20 Q. Do you feel that what your constituents  
21 want on the School Board prayer is for you to  
22 continue the historical practice of the School  
23 Board?  
24 **A. Yes, sir.**

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1 Q. Do you believe that among all the residents  
2 in your district that is a unanimous feeling?  
3 **A. All of the residents?**  
4 Q. Yes, ma'am.  
5 **A. Would I say every single person?**  
6 Q. Yes, ma'am.  
7 **A. Well, you can never say all.**  
8 Q. So, the answer --  
9 **A. How would you know without counting**  
10 **everyone?**  
11 Q. So the answer to my question is no you  
12 don't feel like you know what all of your  
13 constituents want?  
14 **A. No, I don't.**  
15 Q. Do you feel it is your obligation as a  
16 representative from your district to try to  
17 effectuate what a majority of your constituents want  
18 as you understand that?  
19 **A. I feel in a democracy the majority rules.**  
20 Q. Okay. Now, I'm going to ask you a couple  
21 of hypothetical situations. Suppose that you  
22 learned that your constituents wanted to do  
23 something, I can give you a specific example if you  
24 want, but let's speak generically first, wanted to

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1 do something that you believed based on the advice  
2 of your attorneys was categorically  
3 unconstitutional. I'll give you a specific example.  
4 Suppose that a majority of your constituents wanted  
5 to require that all elementary school children open  
6 the school day with a Christian prayer, okay?  
7 **A. Okay.**  
8 Q. Am I right that you would nevertheless not  
9 try to effectuate that desire even though it was  
10 held by a majority of your constituents?  
11 **A. I couldn't, sir. I would explain to them**  
12 **it's law.**  
13 Q. Yes. Now I'm going to give you a second  
14 hypothetical. Suppose that a majority of your --  
15 you came to the understanding, and you were quite  
16 confident about it, that a majority of your  
17 constituents wanted to do something that you thought  
18 was a terrible, terrible idea, just not good for the  
19 students of your district and their education, but  
20 not unconstitutional. Would you try to effectuate  
21 the desires of the majority of your constituents or  
22 would you exercise your own judgment?  
23 **A. Again it would have to depend on what it**  
24 **was, and I'll give you an example.**

1 **differed from theirs, you know, I have a reason, and**  
2 **I would try to explain that and why I felt**  
3 **differently.**  
4 Q. Now, in those issues such as the dress code  
5 example that you gave me, where you would subjugate  
6 your judgment to the judgment of the majority, in  
7 that circumstance would you agree with me that you  
8 would be subjugating your judgment to the judgment  
9 of the majority, and sacrificing your judgment which  
10 is consistent with the judgment of the minority?  
11 **A. I would be sacrificing my judgment?**  
12 Q. Let me rephrase the question. Would you  
13 agree with me that by voting in accord with what the  
14 majority of your constituents want, but contrary to  
15 your own view, your own personally held view, which  
16 personally held view is consistent with what a  
17 minority of your constituents want, you would not be  
18 serving the interests of your constituents who are  
19 in the minority, for example, on the dress code  
20 issue lower income people?  
21 **A. Well, again I feel that the majority should**  
22 **rule, that's how I got elected. And I feel that in**  
23 **a democracy, you know, an election, whatever, the**  
24 **person with the most votes wins, don't they, and the**

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1 Q. Okay.  
2 **A. They are thinking about putting in a dress**  
3 **code.**  
4 Q. Yes.  
5 **A. And it sounds like the majority of the**  
6 **people probably will agree with it.**  
7 Q. When you say the people you mean your  
8 constituents?  
9 **A. My constituents. And I will vote for it if**  
10 **that's what the people want me to vote for, but**  
11 **personally I think it's a hardship on low income**  
12 **people who can depend on clothes from relatives or**  
13 **from yard sales and things like that. I'm also**  
14 **concerned about children who are heavy, who when**  
15 **required to put your shirt in, that type of thing,**  
16 **especially young girls and their self-esteem. So, I**  
17 **would be -- I would not want to vote for it myself**  
18 **under certain situations, but if my constituents**  
19 **wanted me to then I would vote for it.**  
20 **Now, if it has to do with an educational**  
21 **thing, having had 39 years of experience as a**  
22 **teacher, again I would have to weigh it and hope**  
23 **that my constituents would understand that with my**  
24 **background and experience maybe my decision, if it**

1 **rest of us go on and live with it. Would I feel**  
2 **like I was giving up something?**  
3 Q. Yes, ma'am?  
4 **A. No.**  
5 Q. Would you feel like --  
6 **A. Cause I would feel that most of the people**  
7 **got what they wanted.**  
8 Q. Would you feel like you were trying to  
9 represent the interests of all of your constituents?  
10 **A. You can't represent the interests of all of**  
11 **your constituents.**  
12 Q. Isn't it the case that you could represent  
13 the interests of all of your constituents by  
14 exercising your best judgment, your best judgment,  
15 and not submitting issues to in effect a referendum?  
16 **A. Hit me with that one again, please?**  
17 Q. I'll withdraw it.  
18 There are many models of representational  
19 government. One possibility is that a  
20 representative would be elected and then take it as  
21 her responsibility to exercise her independent  
22 judgment relying on her constituents to vote her out  
23 of office if they don't like her judgments.  
24 A different model for representational

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1 governmental, we could call it the referendum model,  
2 would have that representative simply trying to  
3 determine what the majority thinks in every respect  
4 and just voting as the majority would vote, in  
5 effect the pass-through.  
6 I take it that you view your role more as a  
7 pass-through than as a person who regardless of what  
8 the majority thinks should exercise her own  
9 independent judgment?  
10 **A. Is that what I say when I answer?**  
11 Q. That's what I asked you?  
12 **A. I just see myself as someone who tries to**  
13 **make the best decisions she knows how to make with**  
14 **the support of the people who put her in office.**  
15 Q. The quote in this article is, "We represent  
16 the people and that's what we are trying to do."  
17 This, which is School Board prayer, "This is a  
18 traditional thing for this area and this area is  
19 Christian." What is the significance in your  
20 thinking on School Board prayer of the fact that  
21 this area is Christian?  
22 **A. What is my thinking that this area is**  
23 **Christian?**  
24 Q. No, what is the significance of that fact

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1 in your thinking on School Board prayer?  
2 **A. That the people in this area believe in**  
3 **prayer, it's been a tradition to have it at the**  
4 **School Board level at the regular meetings, and they**  
5 **don't want to give it up.**  
6 Q. And that's important to you, correct?  
7 **A. That's my thinking.**  
8 Q. That's important to you, correct?  
9 **A. That's important to me that the people who**  
10 **support me want this.**  
11 Q. When you were going to school, elementary  
12 school at Selbyville High School --  
13 **A. Uh-hum.**  
14 Q. -- it was a tradition to have prayer in the  
15 it the classroom, correct?  
16 **A. Yes.**  
17 Q. And would it be your best guess that the  
18 constituents strongly supported prayer in the  
19 classroom at that time?  
20 **A. I'm sure they must have.**  
21 Q. If you had been serving as a Board member  
22 at that time and received advice that despite the  
23 fact that the constituents in that district strongly  
24 supported prayer in the classrooms, prayer in the

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1 classroom was unconstitutional, would you have voted  
2 to get rid of it or would you have fought to keep  
3 it?  
4 **A. I do not, could not vote for something that**  
5 **was against the law, and my constituents would**  
6 **understand that you can't support something that's**  
7 **against the law.**  
8 Q. What I hope will be one last question.  
9 It's your understanding that there is no definitive  
10 decision on whether School Board prayer is against  
11 the law or not, correct?  
12 **A. That is correct.**  
13 Q. And as long as you don't have a definitive  
14 indication of whether it's against the law or not  
15 your view is that as a School Board member you're  
16 going to do what your Christian constituents want  
17 you to do?  
18 **A. That's correct.**  
19 MR. ALLINGHAM: I am concluded,  
20 thank you very much for your patience.  
21 MS. DUPHILY: We are going off the  
22 record at approximately 5:17 p.m..  
23  
24

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